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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS  
UNITED STATES HOUSE OF REPRESENTATIVES

**REPORT**

Review No. 11-6574

The Board of the Office of Congressional Ethics, by a vote of no less than four members, on April 29, 2011, adopted the following report and ordered it to be transmitted to the Committee on Ethics of the United States House of Representatives.

SUBJECT: Representative Jean Schmidt

NATURE OF THE ALLEGED VIOLATION: Representative Jean Schmidt may have received free legal services that are considered gifts under House rules. Since 2008, three lawyers for the Turkish American Legal Defense Fund (“TALDF”) have represented her in various legal matters related to a complaint that she filed with the Ohio Election Commission against Mr. David Krikorian, a challenger to her congressional seat.

The Turkish Coalition of America (“TCA”) has paid the TALDF lawyers a total of approximately \$500,000 for the legal services provided to Representative Schmidt during the past three years. TCA currently pays the lawyers to represent her in an ongoing defamation suit that she filed against Mr. Krikorian in Ohio state court. Representative Schmidt has not paid for any of the legal services.

If Representative Schmidt accepted free legal services without establishing a legal expense fund, she may have violated House rules. She also may have violated House rules and federal law by not including the free legal services as gifts on her financial disclosure statements.

RECOMMENDATION: The Board of the Office of Congressional Ethics recommends that the Committee on Ethics further review the above allegations because there is substantial reason to believe that Representative Schmidt: (1) accepted legal services from TALDF without establishing a legal expense fund; and (2) failed to report the legal services on her financial disclosure statements for calendar years 2008 and 2009.

VOTES IN THE AFFIRMATIVE: 6

VOTES IN THE NEGATIVE: 0

ABSTENTIONS: 0

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MEMBER OF THE BOARD OR STAFF DESIGNATED TO PRESENT THIS REPORT TO  
THE COMMITTEE ON ETHICS: Omar S. Ashmawy, Staff Director & Chief Counsel.

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OFFICE OF CONGRESSIONAL ETHICS  
UNITED STATES HOUSE OF REPRESENTATIVES

**FINDINGS OF FACT AND CITATIONS TO LAW**

Review No. 11-6574

On April 29, 2011, the Board of the Office of Congressional Ethics (the “Board”) adopted the following findings of fact and accompanying citations to law, regulations, rules, and standards of conduct (*in italics*). The Board notes that these findings do not constitute a determination that a violation actually occurred.

**I. INTRODUCTION**

1. In 2008, the Turkish Legal Defense Fund (“TALDF”) began providing legal services to Representative Schmidt in connection with a complaint that she filed against Mr. David Krikorian before the Ohio Election Commission.
2. In 2009, TALDF continued to provide the legal services at no charge to Representative Schmidt. In September 2009, Representative Schmidt requested a written advisory opinion from the Committee on Standards of Official Conduct (the “Committee”)<sup>1</sup> concerning payment of the legal services. She did not request a written opinion prior to accepting the legal services.
3. In February 2010, the Committee on Ethics wrote an opinion advising Representative Schmidt that she could pay for the legal services by either establishing an approved legal expense fund to pay for the legal services or using campaign funds. The opinion was based on the facts that Representative Schmidt presented to the Committee. The letter from the Committee expressed its understanding that Representative Schmidt was awaiting a bill from the TALDF lawyers and that the legal services had not been paid.
4. Apparently, relevant information concerning the nature of the payment of the legal services was not provided to the Committee. For example, it was not disclosed that the Turkish Coalition of America (“TCA”) had already paid the TALDF lawyers approximately \$300,000 for Representative Schmidt’s legal services at the time of the advisory opinion. TCA paid the expenses for Representative Schmidt since 2008 and continues to pay for legal services in 2011.

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<sup>1</sup> The Committee on Standards of Official Conduct was renamed the Committee on Ethics in the 112<sup>th</sup> Congress.

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**A. Summary of Allegations**

5. The Board finds that there is substantial reason to believe that Representative Schmidt violated House Rule 25, clause 3 by accepting legal services from TALDF, which the TCA paid for prior to her receiving approval from the Committee of a legal expense fund.
6. The Board finds that there is substantial reason to believe that Representative Schmidt violated House Rule 26, clause 2 and the Ethics in Government Act by failing to report the legal services that she received from TALDF as gifts on her financial disclosure statements for calendar years 2008 and 2009.

**B. Jurisdictional Statement**

7. The allegations that are the subject of this review concern Representative Jean Schmidt, a Member of the United States House of Representatives for the 2<sup>nd</sup> District of Ohio. The Resolution the United States House of Representatives adopted creating the Office of Congressional Ethics (“OCE”) directs that, “[n]o review shall be undertaken . . . by the board of any alleged violation that occurred before the date of adoption of this resolution.”<sup>2</sup> The House adopted this Resolution on March 11, 2008. Because the conduct under review occurred after March 11, 2008, the OCE has jurisdiction in this matter.

**C. Procedural History**

8. The OCE received a written request for a preliminary review in this matter signed by at least two members of the Board on January 24, 2011. The preliminary review commenced on January 25, 2011.<sup>3</sup> The preliminary review was scheduled to end on February 23, 2011.
9. At least three members of the Board voted to initiate a second-phase review in this matter on February 22, 2011. The second-phase review commenced on February 24, 2011.<sup>4</sup> The second-phase review was scheduled to end on April 9, 2011.

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<sup>2</sup> H. Res. 895, 110th Cong. §1(e), as amended (the “Resolution”).

<sup>3</sup> A preliminary review is “requested” in writing by members of the Board of the OCE. The request for a preliminary review is “received” by the OCE on a date certain. According to the Resolution, the timeframe for conducting a preliminary review is thirty days from the date of receipt of the Board’s request.

<sup>4</sup> According to the Resolution, the Board must vote on whether to conduct a second-phase review in a matter before the expiration of the thirty-day preliminary review. If the Board votes for a second-phase, the second-phase begins when the preliminary review ends. The second-phase review does not begin on the date of the Board vote.

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10. The Board voted to extend second-phase review for an additional period of fourteen days on April 5, 2011. The second-phase review ended on April 23, 2011.
11. Representative Schmidt submitted a written statement, under Rule 9(B) of the OCE's Rules for the Conduct of Investigations, on April 25, 2011.
12. The Board voted to refer the matter to the Committee and adopted these findings on April 29, 2011.
13. This report and findings were transmitted to the Committee on May 18, 2011.

**D. Summary of Investigative Activity**

14. The OCE requested and received documentary and, in some cases testimonial information, from the following sources:
  - (1) Representative Schmidt;
  - (2) Representative Schmidt's Chief of Staff;
  - (3) TCA President;
  - (4) TALDF Lawyer 1;
  - (5) TALDF Lawyer 2; and
  - (6) TALDF Lawyer 3.

**II. TALDF LEGAL SERVICES PROVIDED TO REPRESENTATIVE SCHMIDT**

**A. Law, Regulations, Rules, and Standards of Conduct**

Gifts

15. *Pursuant to House Rule 25, clause 5(a)(1)(A)(i), "[a] Member . . . of the House may not knowingly accept a gift except as provided in this clause."*
16. *Under House Rule 25, clause 5(a)(3)(E), the gift rule exempts "a contribution or other payment to a legal expense fund established for the benefit of a Member, officer, or employee that is otherwise lawfully made in accordance with the restrictions and disclosure requirements of the [Committee]."*

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17. *The Committee' Legal Expense Fund Regulations provide that "[n]o contribution shall be solicited for or accepted by a Legal Expense fund prior to the Committee's written approval of the completed trust document (including the name of the trustee)."*<sup>5</sup>
18. *"Pro bono legal assistance for other purposes shall be deemed a contribution subject to the restrictions of these regulations."*<sup>6</sup>

#### Financial Disclosure

19. *Under House Rule 26, " the provisions of title I of the Ethics in Government Act of 1978 shall be considered Rules of the House as they pertain to Members, Delegates, the Resident Commissioner, officers, and employees of the House."*
20. *The Ethics in Government Act provides that "[e]ach report filed pursuant to section 101 (d) and (e) shall include a full and complete statement with respect to the following . . . The identity of the source, a brief description, and the value of all gifts aggregating more than the minimal value as established by section 7342(a)(5) of title 5, United States Code, or \$250, whichever is greater, received from any source other than a relative of the reporting individual during the preceding calendar year . . . ."*<sup>7</sup>

### **B. TALDF Has Provided Legal Services to Representative Schmidt for Nearly Three Years**

#### TALDF in General

21. TCA created TALDF in late 2007 or early 2008.<sup>8</sup> The purpose of TALDF is to protect the legal rights of Turkish Americans.<sup>9</sup> TALDF works primarily on defamation and free speech matters.<sup>10</sup>

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<sup>5</sup> Memorandum from Committee on Standards of Official Conduct to All Members, Officers, and Employees Regarding Legal Expense Fund Regulations, dated June 10, 1996 ("Legal Expense Fund Regulations") (Exhibit 1 at 11-6574\_0003).

<sup>6</sup> *Id.* The Legal Expense Fund Regulations allow the acceptance of *pro bono* legal services under the following limited circumstances: "to file an amicus brief in his or her capacity as a Member of Congress; to bring a civil action challenging the validity of any federal law or regulation; or to bring a civil action challenging the lawfulness of an action of a federal agency, or an action of a federal official taken in an official capacity, provided that the action concerns a matter of public interest, rather than a matter that is personal in nature." *Id.*

<sup>7</sup> 5 U.S.C. app. 4, § 102(a)(2)(A).

<sup>8</sup> Memorandum of Interview of TALDF Lawyer 1, March 28, 2011 ("TALDF Lawyer 1 MOI") (Exhibit 2 at 11-6574\_0006); Memorandum of Interview of TCA President, April 8, 2011 ("TCA President MOI") (Exhibit 3 at 11-6574\_0012).

<sup>9</sup> TALDF Lawyer 1 MOI (Exhibit 2 at 11-6574\_0006); TCA President MOI (Exhibit 3 at 11-6574\_0012).

<sup>10</sup> TALDF Lawyer 1 MOI (Exhibit 2 at 11-6574\_0007); TCA President MOI (Exhibit 3 at 11-6574\_0012).

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22. TALDF provides legal services to its clients on a *pro bono* basis.<sup>11</sup> The entity is funded by the TCA.<sup>12</sup>
23. If there is a legal matter in which the client is awarded monetary damages, the money is divided between the client and the TCA.<sup>13</sup> The TALDF lawyers do not receive any portion of a damage award.<sup>14</sup>
24. TALDF has two lawyers in Washington, DC: TALDF Lawyer 1 and TALDF Lawyer 2. TALDF Lawyer 1 is employed at the law firm of Bruce Fein & Associates, Inc.<sup>15</sup> TALDF Lawyer 2 is employed at the law firm of Saltzman & Evinch, P.C.<sup>16</sup>
25. TALDF Lawyer 3 is local counsel in Ohio for Representative Schmidt and is employed at the law firm of Chester, Willcox & Saxbe.<sup>17</sup>
26. The TALDF lawyers are similar to independent contractors for TALDF.<sup>18</sup> Each law firm bills TCA an hourly rate for legal services performed on behalf of TALDF.<sup>19</sup> TCA pays for the services.<sup>20</sup>
27. TCA retained a registered lobbyist in 2008 until the lobbyist, George Hochbrueckner, terminated the registration effective December 31, 2008.<sup>21</sup>
28. The TCA President told the OCE that he is the head of TCA's congressional outreach group.<sup>22</sup> He spends approximately fifty percent of his time working on congressional outreach, which involves meeting with Members of Congress to discuss the Armenian genocide resolution and Greek and Turkish issues.<sup>23</sup>

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<sup>11</sup> TALDF Lawyer 1 MOI (Exhibit 2 at 11-6574\_0007); TCA President MOI (Exhibit 3 at 11-6574\_0012).

<sup>12</sup> TALDF Lawyer 1 MOI (Exhibit 2 at 11-6574\_0007); TCA President MOI (Exhibit 3 at 11-6574\_0012).

<sup>13</sup> TALDF Lawyer 1 MOI (Exhibit 2 at 11-6574\_0007).

<sup>14</sup> *Id.*

<sup>15</sup> *Id.* at 11-6574\_0006.

<sup>16</sup> Memorandum of Interview of TALDF Lawyer 2, March 28, 2011 ("TALDF Lawyer 2 MOI") (Exhibit 4 at 11-6574\_0016).

<sup>17</sup> TALDF Lawyer 3 Response to OCE Request for Information, dated February 11, 2011 ("TALDF Lawyer 3 RFI Response") (Exhibit 5 at 11-6574\_0020).

<sup>18</sup> TALDF Lawyer 1 MOI (Exhibit 2 at 11-6574\_0006).

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> George J. Hochbrueckner & Associates, Inc. Lobbying Report for TCA dated January 15, 2009 (Exhibit 6 at 11-6574\_0027).

<sup>22</sup> TCA President MOI (Exhibit 3 at 11-6574\_0011-0012).

<sup>23</sup> *Id.* at 11-6574\_0011.

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29. The TCA President told the OCE that he has not registered as a lobbyist because he only educates legislators.<sup>24</sup>

TALDF and Representative Schmidt

30. Since 2008, TALDF has provided legal services to Representative Schmidt related to various legal matters between her and Mr. David Krikorian.<sup>25</sup>

31. In 2006 or 2007, Mr. Krikorian visited Representative Schmidt's congressional office in Washington, DC.<sup>26</sup> He came to the office to meet with Representative Schmidt to request her support for the Armenian genocide resolution.<sup>27</sup>

32. According to Representative Schmidt's Chief of Staff, Mr. Krikorian became belligerent because Representative Schmidt would not commit to voting for the resolution.<sup>28</sup>

33. In November 2007, the TCA President first met Representative Schmidt when he overheard her discussing the Armenian genocide resolution at a campaign fundraiser at the Capitol Hill Club in Washington, DC.<sup>29</sup>

34. He introduced himself and offered to provide her with information about the Armenian genocide issue.<sup>30</sup>

35. The TCA President told the OCE that he saw Representative Schmidt frequently in 2008 as she attended various TCA events and events with the TCA political action committee.<sup>31</sup>

36. During the same period in 2008, the TCA President believes that he spoke with Representative Schmidt's Chief of Staff at least once per month.<sup>32</sup>

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<sup>24</sup> *Id.* at 11-6574\_0012.

<sup>25</sup> TALDF Lawyer 1 Response to OCE Request for Information, dated February 14, 2011 ("TALDF Lawyer 1 RFI Response") (Exhibit 7 at 11-6574\_0030); TALDF Lawyer 1 Legal Service Invoices ("TALDF Lawyer 1 Invoices") (Exhibit 8 at 11-6574\_0033-0057); TALDF Lawyer 2 Response to OCE Request for Information, dated February 17, 2011 ("TALDF Lawyer 2 RFI Response") (Exhibit 9 at 11-6574\_0059-0063); TALDF Lawyer 2 Legal Service Invoices ("TALDF Lawyer 2 Invoices") (Exhibit 10 at 11-6574\_0065-0072); TALDF Lawyer 3 RFI Response (Exhibit 5 at 11-6574\_0022-0025); TALDF Lawyer 3 Legal Service Invoices ("TALDF Lawyer 3 Invoices") (Exhibit 11 at 11-6574\_0074-0161).

<sup>26</sup> Memorandum of Interview of Representative Schmidt's Chief of Staff, April 6, 2011 ("Chief of Staff MOI") (Exhibit 12 at 11-6574\_0163).

<sup>27</sup> *Id.* at 11-6574\_0164.

<sup>28</sup> *Id.*

<sup>29</sup> TCA President MOI (Exhibit 3 at 11-6574\_0012).

<sup>30</sup> *Id.*

<sup>31</sup> *Id.* at 11-6574\_0012-0013.

<sup>32</sup> *Id.* at 11-6574\_0013.

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37. Representative Schmidt's Chief of Staff explained to the OCE that he first met the TCA President when the TCA President visited Representative Schmidt's office to lobby him on the Armenian genocide resolution.<sup>33</sup>
38. In 2008, Mr. Krikorian ran as an independent candidate challenging Representative Schmidt for her congressional seat.
39. The TCA President recalls that in late spring of 2008, Mr. Krikorian circulated an email that criticized Representative Schmidt for attending campaign fundraisers with Turkish Americans.<sup>34</sup> The TCA President was furious about the email and there were internal discussions at TCA about whether TALDF should take any legal action in the matter.<sup>35</sup>
40. During the week before the November 4, 2008 election, Mr. Krikorian placed pamphlets on cars outside of Representative Schmidt's church that accused her of various activities, including accepting "blood money" from the Turkish Government to deny the Armenian genocide.<sup>36</sup>
41. On November 3, 2008, TALDF posted on its website a statement that it "requested the Attorney General of Ohio, Nancy H. Rogers, to open a criminal investigation under Ohio law into signature Armenian verbal thuggery employed by Armenian American independent candidate David Krikorian against Representative Jean Schmidt."<sup>37</sup>
42. TALDF Lawyer 1 remembered that his first meeting with Representative Schmidt about providing legal services occurred in her congressional office in late November 2008.<sup>38</sup>

#### 2008 Legal Services

43. According to the TALDF lawyers, TALDF first provided legal services for Representative Schmidt in her case against Mr. Krikorian before the Ohio Election Commission.<sup>39</sup> She alleged in the case that Mr. Krikorian made false statements about

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<sup>33</sup> Chief of Staff MOI (Exhibit 12 at 11-6574\_0165).

<sup>34</sup> *Id* at 11-6574\_0164.

<sup>35</sup> TCA President MOI (Exhibit 3 at 11-6574\_0013).

<sup>36</sup> Chief of Staff MOI (Exhibit 12 at 11-6574\_0164).

<sup>37</sup> TALDF Requests Criminal Investigation in Ohio, November 3, 2008, <http://www.taldf.org/ohio.html> (Exhibit 14 at 11-6574\_0172).

<sup>38</sup> TALDF Lawyer 1 MOI (Exhibit 2 at 11-6574\_0007)

<sup>39</sup> TALDF Lawyer 1 RFI Response (Exhibit 7 at 11-6574\_0030); TALDF Lawyer 2 RFI Response (Exhibit 9 at 11-6574\_0060-0061); TALDF Lawyer 3 RFI Response (Exhibit 5 at 11-6574\_0022-0023).

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her during the 2008 campaign that violated the Ohio state law prohibiting unfair political campaign activities.<sup>40</sup>

44. The TALDF lawyers began working on this matter in late 2008.<sup>41</sup> The lawyers billed their legal services on behalf of Representative Schmidt to TCA.<sup>42</sup>

45. The amount of fees and expenses and legal services for 2008 was approximately \$3,905.<sup>43</sup>

46. TCA paid the TALDF lawyers for the legal services performed on behalf of Representative Schmidt.<sup>44</sup>

### 2009 Legal Services

47. In early 2009, the TALDF lawyers prepared Representative Schmidt's complaint for the Ohio Election Commission matter, which they filed on April 29, 2009.<sup>45</sup>

48. The lawyers filed an additional complaint with the Ohio Election Commission on behalf of Representative Schmidt on July 21, 2009.<sup>46</sup>

49. On October 1, 2009, the Ohio Election Commission found in favor of Representative Schmidt, concluding that Mr. Krikorian made false statements about her.<sup>47</sup>

50. In 2009, the lawyers also represented Representative Schmidt in Mr. Krikorian's appeals of the Ohio Election Commission decision.<sup>48</sup>

51. The TALDF lawyers billed their 2009 legal services on behalf of Representative Schmidt to TCA.<sup>49</sup>

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<sup>40</sup> *Jean Schmidt v. Mr. David Krikorian*, Ohio Election Commission Case No. 2009E-003, April 29, 2009 ("Initial OEC Complaint") (Exhibit 15 at 11-6574\_0175-0178).

<sup>41</sup> TALDF Lawyer 2 Invoices (Exhibit 10 at 11-6574\_0065); TALDF Lawyer 3 Invoices (Exhibit 11 at 11-6574\_0074-0075).

<sup>42</sup> TALDF Lawyer 1 and TALDF Lawyer 2 sent the bills for their legal services directly to TCA and TALDF Lawyer 3 sent his bills to TALDF. *See* TALDF Lawyer 1 Invoices (Exhibit 8 at 11-6574\_0033-0057); TALDF Lawyer 2 Invoices (Exhibit 10 at 11-6574\_0065-0075); TALDF Lawyer 3 Invoices (Exhibit 11 at 11-6574\_0074-0161). TCA paid the bills. TCA President MOI (Exhibit 3 at 11-6574\_0012).

<sup>43</sup> TALDF Lawyer 2 Invoices (Exhibit 10 at 11-6574\_0065); TALDF Lawyer 3 Invoices (Exhibit 11 at 11-6574\_0076-0077).

<sup>44</sup> TCA President MOI (Exhibit 3 at 11-6574\_0012).

<sup>45</sup> Initial OEC Complaint (Exhibit 15 at 11-6574\_0175-0178).

<sup>46</sup> *Jean Schmidt v. Mr. David Krikorian*, Ohio Election Commission Case No. 2009E-012, July 21, 2009 (Exhibit 16 at 11-6574\_0180-0182).

<sup>47</sup> Letters from Ohio Election Commission to Bruce Fein, dated November 13, 2009 (Exhibit 17 at 11-6574\_0184-0187).

<sup>48</sup> TALDF Lawyer 1 RFI Response (Exhibit 7 at 11-6574\_0030); TALDF Lawyer 2 RFI Response (Exhibit 9 at 11-6574\_0061); TALDF Lawyer 3 RFI Response (Exhibit 5 at 11-6574\_0023).

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52. The amount of fees and expenses and legal services for 2009 was approximately \$289,280.<sup>50</sup>
53. TCA paid the TALDF lawyers for the 2009 legal services performed on behalf of Representative Schmidt.<sup>51</sup>

2010 Legal Services

54. On February 21, 2010, the TALDF lawyers filed a Motion for Leave to file an Amicus Brief on behalf of Representative Schmidt in a federal lawsuit that Mr. Krikorian brought against the Ohio Election Commission in the Southern District Court of Ohio.<sup>52</sup> The suit challenged whether the Ohio Election Commission had the right to make its findings in the 2009 matters concerning Representative Schmidt.<sup>53</sup> Representative Schmidt was not named as a party to the lawsuit.<sup>54</sup>
55. The TALDF lawyers later filed an amicus brief on behalf of Representative Schmidt in the case.<sup>55</sup>
56. On June 8, 2010, the TALDF lawyers filed a defamation lawsuit on behalf of Representative Schmidt against Mr. Krikorian. Representative Schmidt seeks \$6.8 million dollars in damages.<sup>56</sup>
57. Mr. Krikorian's federal lawsuit against the Ohio Election Commission was dismissed on October 19, 2010.<sup>57</sup>
58. The TALDF lawyers billed their 2010 legal services on behalf of Representative Schmidt to TCA.<sup>58</sup>

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<sup>49</sup> TALDF Lawyer 1 and TALDF Lawyer 2 sent the bills for their legal services directly to TCA and TALDF Lawyer 3 sent his bills to TALDF. TALDF Lawyer 1 Invoices (Exhibit 8 at 11-6574\_0033-0057); TALDF Lawyer 2 Invoices (Exhibit 10 at 11-6574\_0065-0072); TALDF Lawyer 3 Invoices (Exhibit 11 at 11-6574\_0074-0161). TCA paid the bills. See TCA President MOI (Exhibit 3 at 11-6574\_0012).

<sup>50</sup> TALDF Lawyer 1 Invoices (Exhibit 8 at 11-6574\_0033-0044); TALDF Lawyer 2 Invoices (Exhibit 10 at 11-6574\_0066-0069); TALDF Lawyer 3 Invoices (Exhibit 11 at 11-6574\_0078-0116); TCA Legal Expenses for 2009 and 2010 ("TCA Legal Expenses") (Exhibit 18 at 11-6574\_0189).

<sup>51</sup> See TCA President MOI (Exhibit 3 at 11-6574\_0012).

<sup>52</sup> *David Krikorian v. Ohio Elections Commission, et al.*, S.D. Ohio Civ., Motion of Amicus Curiae Jean Schmidt for Leave to File an Amicus Brief in Support of Defendants' Opposition to Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction, dated February 21, 2010.

<sup>53</sup> TALDF Lawyer 2 RFI Response (Exhibit 9 at 11-6574\_0062).

<sup>54</sup> *Id.*

<sup>55</sup> *Id.*

<sup>56</sup> *Id.*; *Jean Schmidt v. David Krikorian and Krikorian for Congress Campaign Committee*, Court of Common Pleas Clermont County, Ohio, Case No. 2010 CVC1217, June 8, 2010 (Exhibit 19 at 11-6574\_0191-0223).

<sup>57</sup> TALDF Lawyer 2 RFI Response (Exhibit 9 at 11-6574\_0062).

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59. The amount of fees and expenses and legal services for 2010 was approximately \$205,401.<sup>59</sup>
60. TCA paid the TALDF lawyers for the 2010 legal services performed on behalf of Representative Schmidt.<sup>60</sup>

2011 Legal Services

61. Representative Schmidt's defamation lawsuit against Mr. Krikorian continues in 2011.<sup>61</sup>
62. The TALDF lawyers are currently providing legal services and TCA is paying for the legal services.<sup>62</sup>

**C. Representative Schmidt Received an Advisory Opinion from the Committee in 2010**

63. Representative Schmidt did not request an advisory opinion from the Committee prior to the TALDF lawyers providing her legal services in 2008.<sup>63</sup>
64. Representative Schmidt's Chief of Staff told the OCE that he spoke with staff at the Committee in early 2009 about how to pay for the legal services.<sup>64</sup>
65. On August 31, 2009, Representative Schmidt's Chief of Staff was deposed in the matter before the Ohio Election Commission. He was asked whether he had "made some kind of filing with the House Ethics Committee that would allow the Turkish American Legal Defense Fund to fund this legal action against Mr. Krikorian."<sup>65</sup> Representative Schmidt's Chief of Staff answered that he had not made such a filing.<sup>66</sup>

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<sup>58</sup> TALDF Lawyer 1 and TALDF Lawyer 2 sent the bills for their legal services directly to TCA and TALDF Lawyer 3 sent his bills to TALDF. TALDF Lawyer 1 Invoices (Exhibit 8 at 11-6574\_0033-0057); TALDF Lawyer 2 Invoices (Exhibit 10 at 11-6574\_0065-0072); TALDF Lawyer 3 Invoices (Exhibit 11 at 11-6574\_0117-0161). TCA paid the bills. *See* TCA President MOI (Exhibit 3 at 11-6574\_0012).

<sup>59</sup> TALDF Lawyer 1 Invoices (Exhibit 8 at 11-6574\_0045-0057); TALDF Lawyer 2 Invoices (Exhibit 10 at 11-6574\_0070-0072); TALDF Lawyer 3 Invoices (Exhibit 11 at 11-6574\_0117-0161); TCA Legal Expenses (Exhibit 18 at 11-6574\_0189).

<sup>60</sup> *See* TCA President MOI (Exhibit 3 at 11-6574\_0012).

<sup>61</sup> TALDF Lawyer 1 RFI Response (Exhibit 7 at 11-6574\_0030).

<sup>62</sup> *Id.*; *See* TCA President MOI (Exhibit 3 at 11-6574\_0012).

<sup>63</sup> Representative Schmidt MOI (Exhibit 13 at 11-6574\_0169); Chief of Staff MOI (Exhibit 12 at 11-6574\_0165-0166).

<sup>64</sup> Chief of Staff MOI (Exhibit 12 at 11-6574\_0164).

<sup>65</sup> Deposition of Barry P. Bennett, dated August 31, 2009 (Exhibit 20 at 11-6574\_0247).

<sup>66</sup> *Id.*

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66. On September 17, 2009, Representative Schmidt wrote a letter to the Committee “to seek guidance regarding the payment of legal fees associated with a case in which my campaign and I are now involved.”<sup>67</sup>
67. On January 21, 2010, Representative Schmidt amended her request for guidance “due to changed circumstances” since the original letter.<sup>68</sup>
68. On February 26, 2010, the Committee provided Representative Schmidt with an advisory opinion. The scope of the advice is limited to payments for two legal matters, which are “legal work already completed during the [Ohio] Elections Commission proceedings, and future legal work on [Representative Schmidt] behalf in the appellate case in Ohio Court.”<sup>69</sup>
69. The Committee advised that “the establishment of a legal expense fund and the use of campaign funds are both permissible options for payment of legal expenses in connection with both past and future proceedings, subject to the limitations [in the advisory opinion].”<sup>70</sup>
70. The Committee also advised that “before you may begin accepting or soliciting for donations to cover past and future legal expenses as described above, the Committee must approve your proposed trust agreement.”<sup>71</sup>

**D. Relevant and Material Information May Not Have Been Provided to the Committee Concerning the Nature of the Legal Services**

71. The advisory opinion from the Committee to Representative Schmidt states that the “Committee will take no adverse action against you in regard to any conduct that you undertake, or have undertaken, in good faith reliance upon this advisory opinion, *so long as you have presented a complete and accurate statement of all material facts relied upon*, herein, and the proposed conduct in practice conforms with the information you provided, as addressed in this opinion.”<sup>72</sup>
72. In the advisory opinion, the Committee also reserved the right to rescind, modify, or terminate the opinion: “However, the Committee will rescind an advisory opinion if

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<sup>67</sup> Letter from Representative Schmidt to Chairwoman Zoe Lofgren, dated September 17, 2009 (Exhibit 21 at 11-6574\_0270).

<sup>68</sup> Letter from Chair Lofgren and Ranking Member Bonner to Representative Schmidt, dated February 26, 2010 (“Advisory Opinion”) (Exhibit 22 at 11-6574\_0273).

<sup>69</sup> Letter from Chair Lofgren and Ranking Member Bonner to Representative Schmidt, dated February 26, 2010 (“Advisory Opinion”) (Exhibit 22 at 11-6574\_0274).

<sup>70</sup> *Id.* at 11-6574\_0273.

<sup>71</sup> *Id.* at 11-6574\_0277.

<sup>72</sup> *Id.* at 11-6574\_0279.

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relevant and material facts were not completely and accurately disclosed to the Committee at the time the opinion was issued.”<sup>73</sup>

73. Pursuant to the advisory opinion, “[t]here is no restriction under the Committee’s Legal Expense Fund Regulations that would bar the establishment of such a trust fund to pay past legal expenses, *so long as no solicitation or receipt of donations occurred before the Committee’s written approval of the trust agreement.*”<sup>74</sup>

74. The advisory opinion relies on facts that Representative Schmidt and her staff provided concerning the prior payments of the legal expenses.

TCA Paid for Representative Schmidt’s Legal Services Prior to Written Approval of a Legal Expense Fund

75. In the advisory opinion, the Committee indicated that it was under the impression that Representative Schmidt’s attorneys had worked approximately 200 hours and have not billed Representative Schmidt or received any payments for their services.<sup>75</sup>

76. The advisory opinion mentions that “[t]o date, Mr. Fein estimates that 200 hours have been worked by the attorneys in your case, but you have not yet been billed as you are awaiting this Committee’s guidance regarding the permissibility of the proposed options for payment of legal expenses in this matter.”<sup>76</sup>

77. The following relevant and material information appears not to have been provided to the Committee as of the date of the advisory opinion: (1) Representative Schmidt’s lawyers had worked more than 500 hours in her cases;<sup>77</sup> (2) Representative Schmidt’s lawyers sent their bills to TCA;<sup>78</sup> and (3) TCA had paid Representative Schmidt’s lawyers approximately \$293,000 for services received in 2008 and 2009.<sup>79</sup>

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<sup>73</sup> *Id.*

<sup>74</sup> *Id.* at 11-6574\_0277(emphasis added).

<sup>75</sup> *Id.* at 11-6574\_0274.

<sup>76</sup> *Id.*

<sup>77</sup> TALDF Lawyer 1 Invoices (Exhibit 8 at 11-6574\_0033-0044); TALDF Lawyer 2 Invoices (Exhibit 10 at 11-6574\_0065-0069); TALDF Lawyer 3 Invoices (Exhibit 11 at 11-6574\_0076-0116).

<sup>78</sup> TALDF Lawyer 1 and TALDF Lawyer 2 sent the bills for their legal services directly to TCA and TALDF Lawyer 3 sent his bills to TALDF. *See* TALDF Lawyer 1 Invoices (Exhibit 8 at 11-657\_0033-0057) TALDF Lawyer 2 Invoices (Exhibit 10 at 11-6574\_0065-0072); TALDF Lawyer 3 Invoices (Exhibit 11 at 11-6574\_0074-161).

<sup>79</sup> TALDF Lawyer 1 Invoices (Exhibit 8 at 11-6574\_0033-0044); TALDF Lawyer 2 Invoices (Exhibit 10 at 11-6574\_0065-0069); TALDF Lawyer 3 Invoices (Exhibit 11 at 11-6574\_0076-0116).

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78. The President of TCA told the OCE that TCA pays all of the legal expenses for TALDF from its general operating account.<sup>80</sup>
79. The TALDF lawyers are employed by separate law firms.<sup>81</sup> Each law firm submits its legal bills to TCA.<sup>82</sup>
80. TCA pays for the legal fees and expenses for each attorney performing legal services for Representative Schmidt.<sup>83</sup>
81. TALDF provides free legal services to all of its clients.<sup>84</sup> TCA pays the TALDF lawyers for their services.<sup>85</sup>

TCA Has Not Sought Reimbursement from Representative Schmidt

82. TALDF Lawyer 1 and TALDF Lawyer 2 explained to the OCE that they never send bills to TALDF clients.<sup>86</sup> TCA pays for their legal fees.<sup>87</sup>
83. TALDF Lawyer 1 and TALDF Lawyer 2 told the OCE that they were under the impression that they were providing their legal services at no cost to Representative Schmidt.<sup>88</sup>
84. TALDF Lawyer 1 testified in a deposition during the matter before the Ohio Election Commission that he told Representative Schmidt and her campaign that “we would not charge them legal fees.”<sup>89</sup>
85. The TCA President told the OCE that he does not bill anyone for the payments that TCA gives to TALDF.<sup>90</sup> TCA has never sought reimbursement for such expenses.<sup>91</sup>

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<sup>80</sup> See TCA President MOI (Exhibit 3 at 11-6574\_0012).

<sup>81</sup> TALDF Lawyer 1 MOI (Exhibit 2 at 11-6574\_0006); TALDF Lawyer 2 MOI (Exhibit 4 at 11-6574\_0016); TALDF Lawyer 3 RFI Response (Exhibit 5 at 11-6574\_0020).

<sup>82</sup> TALDF Lawyer 1 and TALDF Lawyer 2 sent the bills for their legal services directly to TCA and TALDF Lawyer 3 sent his bills to TALDF. See TALDF Lawyer 1 Invoices (Exhibit 8 at 11-6574\_0033-0057); TALDF Lawyer 2 Invoices (Exhibit 10 at 11-6574\_0065-0072); TALDF Lawyer 3 Invoices (Exhibit 11 at 11-6574\_0074-0161). TCA paid the bills. See TCA President MOI (Exhibit 3 at 11-6574\_0012).

<sup>83</sup> See TCA President MOI (Exhibit 3 at 11-6574\_0012).

<sup>84</sup> TALDF Lawyer 1 MOI (Exhibit 2 at 11-6574\_0007).

<sup>85</sup> *Id.*; TALDF Lawyer 2 MOI (Exhibit 4 at 11-6574\_0017-0018); TCA President MOI (Exhibit 3 at 11-6574\_0012).

<sup>86</sup> TALDF Lawyer 1 MOI (Exhibit 2 at 11-6574\_0007); TALDF Lawyer 2 MOI (Exhibit 4 at 11-6574\_0017-0018).

<sup>87</sup> TCA President MOI (Exhibit 3 at 11-6574\_0012).

<sup>88</sup> TALDF Lawyer 1 MOI (Exhibit 2 at 11-6574\_007-008); TALDF Lawyer 2 MOI (Exhibit 4 at 11-6574\_0018).

<sup>89</sup> Deposition of Bruce Fein, dated August 31, 2009 (Exhibit 23 at 11-6574\_0310).

<sup>90</sup> TCA President MOI (Exhibit 3 at 11-6574\_0012).

<sup>91</sup> *Id.*

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86. The TCA President explained that he has not had conversations with Representative Schmidt about payments for the legal services.<sup>92</sup>
87. Representative Schmidt told the OCE that TALDF did not offer to provide her free legal services and that she discussed the possibility of a contingency fee, but that option was not pursued.<sup>93</sup> Her statements are not consistent with the statements of the TALDF lawyers and TCA President about payments for the legal services.

**E. TCA Has Paid Approximately \$500,000 to Three Law Firms for the Legal Services Provided to Representative Schmidt**

88. The TALDF lawyers provided the OCE with statements for legal fees and expenses that they billed for Representative Schmidt's legal matters from 2008 through the December 2010.<sup>94</sup>
89. Based on these invoices, the lawyers charged legal fees and expenses totaling approximately \$498,587.<sup>95</sup>
90. According to the lawyers, they have received payment for the fees and expenses.<sup>96</sup> According to the TCA President, TCA paid for these expenses.<sup>97</sup>
91. Representative Schmidt's defamation suit against Mr. Krikorian is ongoing in 2011 and the TALDF lawyers are representing her in this matter.<sup>98</sup>
92. Representative Schmidt has not received any invoice for these services and TCA never intended to send her an invoice for these services.<sup>99</sup> TCA paid for the services out of its general operating budget in the same manner that it pays for all TALDF clients.<sup>100</sup>

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<sup>92</sup> *Id.*

<sup>93</sup> Representative Schmidt MOI (Exhibit 13 at 11-6574\_0169).

<sup>94</sup> TALDF Lawyer 1 Invoices (Exhibit 8 at 11-6574\_0033-0057); TALDF Lawyer 2 Invoices (Exhibit 10 at 11-6574\_0065-0072); TALDF Lawyer 3 Invoices (Exhibit 11 at 11-6574\_0074-0161); TCA Legal Expenses (Exhibit 18 at 11-6574\_0189).

<sup>95</sup> TALDF Lawyer 1 Invoices (Exhibit 8 at 11-6574\_0033-0057); TALDF Lawyer 2 Invoices (Exhibit 10 at 11-6574\_0065-0072); TALDF Lawyer 3 Invoices (Exhibit 11 at 11-6574\_0074-0161); TCA Legal Expenses (Exhibit 18 at 11-6574\_0189).

<sup>96</sup> TALDF Lawyer 1 MOI (Exhibit 2 at 11-6574\_0007-0008); TALDF Lawyer 2 MOI (Exhibit 4 at 11-6574\_0017).

<sup>97</sup> TCA President MOI (Exhibit 3 at 11-6574\_0012).

<sup>98</sup> TALDF Lawyer 1 RFI Response (Exhibit 7 at 11-6574\_0030).

<sup>99</sup> TCA President MOI (Exhibit 3 at 11-6574\_0013); TALDF Lawyer 1 MOI (Exhibit 2 at 11-6574\_0007).

<sup>100</sup> TCA President MOI (Exhibit 3 at 11-6574\_0012).

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**F. Representative Schmidt Accepted Additional Legal Services After Receiving the Advisory Opinion**

93. As mentioned above, on February 26, 2010, the Committee provided Representative Schmidt with a written opinion advising that she could pay for the TALDF legal services by either establishing a legal expense fund or using campaign funds.
94. With respect to establishing the legal expense fund, the Committee advised Representative Schmidt that “[n]o contribution may be solicited for or accepted by a fund prior to the Committee’s written approval of the completed trust document and the trustee.”<sup>101</sup>
95. After receiving the February 26, 2010 advisory opinion, Representative Schmidt did not submit a request for approval of a legal expense fund until July 19, 2010.<sup>102</sup>
96. On June 8, 2010, Representative Schmidt filed a defamation lawsuit against Mr. Krikorian seeking \$6.8 million in damages.<sup>103</sup>
97. The TALDF lawyers represent her in this matter and TCA pays their legal fees.<sup>104</sup>

**Request for Approval of Legal Expense Fund**

98. On July 19, 2010, Representative Schmidt wrote a letter to the Committee requesting approval of a legal expense fund.<sup>105</sup>
99. On August 11, 2010 Representative Schmidt requested that the Committee approve a contingency fee agreement in connection with the \$6.8 million defamation lawsuit.<sup>106</sup>

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<sup>101</sup> Advisory Opinion (Exhibit 22 at 11-6574\_0275). Under the Legal Expense Fund Regulations, *pro bono* legal services are considered to be contributions to a legal expense fund and thereby cannot be accepted without the Committee’s written approval of the trust document. Legal Expense Fund Regulations (Exhibit 1 at 11-6574\_0002-0004). The Legal Expense Fund Regulations allow the acceptance of *pro bono* legal services under the following limited circumstances: “to file an amicus brief in his or her capacity as a Member of Congress; to bring a civil action challenging the validity of any federal law or regulation; or to bring a civil action challenging the lawfulness of an action of a federal agency, or an action of a federal official taken in an official capacity, provided that the action concerns a matter of public interest, rather than a matter that is personal in nature.” *Id.* at 11-6574\_0003.

<sup>102</sup> Letter from Representative Schmidt to Chair Lofgren and Ranking Member Bonner, dated July 19, 2010 (“Request for Legal Expense Fund Approval”) (Exhibit 24 at 11-6574\_0389).

<sup>103</sup> *Jean Schmidt v. David Krikorian and Krikorian for Congress Campaign Committee*, Court of Common Pleas Clermont County, Ohio, Case No. 2010 CVC1217, June 8, 2010 (Exhibit 19 at 11-6574\_0191-0222).

<sup>104</sup> TALDF Lawyer 1 RFI Response (Exhibit 7 at 11-6574\_0030; TCA President MOI (Exhibit 3 at 11-6574\_0012).

<sup>105</sup> Request for Legal Expense Fund Approval (Exhibit 24 at 11-6574\_0389).

<sup>106</sup> Letter from Representative Schmidt to Chair Lofgren and Ranking Member Bonner, dated August 11, 2010 (Exhibit 25 at 11-6574\_0391-0392).

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100. She also requested permission to use a legal expense fund to pay for legal services that the TALDF provided in connection with the amicus brief filed in Ohio federal court in February 2010.

Request for Approval of Contingency Fee Agreement

101. On August 26, 2010 the Committee requested that Representative Schmidt provide a copy of the proposed contingency fee agreement for the defamation lawsuit.<sup>107</sup> Although the lawsuit was filed on June 8, 2010, the proposed contingency fee agreement is dated August 26, 2010.<sup>108</sup> Based on the information before the OCE, a final contingency fee agreement was not executed.
102. TALDF Lawyer 1, who signed the August 26 proposed contingency fee agreement, told the OCE that the TALDF legal services for the defamation suit are not part of a contingency fee agreement.<sup>109</sup> The services are provided *pro bono* similar to the other legal services TALDF has provided to Representative Schmidt.<sup>110</sup>
103. He explained that he and the other lawyers will not receive any part of a monetary judgment from the defamation suit. If damages are awarded, half of the award is for Representative Schmidt and the other half is for TCA.<sup>111</sup> The TALDF lawyers are paid whether or not there are damages awarded in the matter.
104. As result, the TALDF lawyers' payment is not contingent on the outcome of the case. TCA pays the lawyers based on the hours billed for work on Representative Schmidt's matter.<sup>112</sup>

**G. Representative Schmidt Did Not Disclose the Legal Services She Received on Her Financial Disclosure Statements for Calendar Years 2008 and 2009**

105. Representative Schmidt filed her Calendar Year 2008 Financial Disclosure Statement on May 13, 2009.
106. Representative Schmidt answers "No" to the question "Did you, your spouse, or a dependent child receive any reportable gift in the reporting period (*i.e.*, aggregating more than \$335 and not otherwise exempt)?"<sup>113</sup>

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<sup>107</sup> Email from Heather Jones to Joe Jansen, dated August 26, 2010 (Exhibit 26 at 11-6574\_0394).

<sup>108</sup> Proposed Contingency Agreement between TALDF and Representative Schmidt, dated August 26, 2010 (Exhibit 27 at 11-6574\_0396).

<sup>109</sup> TALDF Lawyer 1 MOI (Exhibit 2 at 11-6574\_0007-0008).

<sup>110</sup> *Id.* at 11-6574\_0007.

<sup>111</sup> *Id.*

<sup>112</sup> *Id.*

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107. Representative Schmidt filed her Calendar Year 2009 Financial Disclosure Statement on May 15, 2010. On July 15, 2010, she amended the filing.
108. In the original and amended statements, Representative Schmidt answers “No” to the question “Did you, your spouse, or a dependent child receive any reportable gift in the reporting period (*i.e.*, aggregating more than \$335 and not otherwise exempt)?”<sup>114</sup>

### III. CONCLUSION

109. The Committee issued detailed guidance explaining the steps that Members must follow to solicit or receive donations to pay legal expenses.<sup>115</sup>
110. The Legal Expense Fund Regulations require that a Member first receive approval to establish a legal expense fund before receiving cash or in-kind donations (*e.g.*, *pro bono* legal services).<sup>116</sup>
111. The Legal Expense Fund Regulations state that *pro bono* legal services are contributions to a legal expense fund and cannot be accepted without the Committee’s written approval of a legal expense fund.<sup>117</sup>
112. For example, the Committee recently responded to a Member’s request for approval to accept *pro bono* legal services.<sup>118</sup> The Committee advised the Member that “it would not be permissible for you to solicit or accept *pro bono* or reduced-fee legal representation in connection with the ongoing disciplinary proceedings, absent the establishment of a legal expense fund for such purpose.”<sup>119</sup>
113. In this review, TCA and TALDF told the OCE that legal services were provided to Representative Schmidt on a *pro bono* basis.

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<sup>113</sup> Representative Schmidt Amended Calendar Year 2009 Financial Disclosure Statement, dated July 15, 2010 (Exhibit 28 at 11-6574\_0398).

<sup>114</sup> Representative Schmidt Amended Calendar Year 2008 Financial Disclosure Statement, dated May 13, 2009 (Exhibit 28 at 11-6574\_0398); Representative Schmidt Amended Calendar Year 2009 Financial Disclosure Statement, dated July 15, 2010 (Exhibit 29 at 11-6574\_0411).

<sup>115</sup> Legal Expense Fund Regulations (Exhibit 1 at 11-6574\_0002); House Ethics Manual 63-65.

<sup>116</sup> *Id.*

<sup>117</sup> *Id.* The Legal Expense Fund Regulations allow the acceptance of *pro bono* legal services under the following limited circumstances. *See supra* note 101.

<sup>118</sup> Letter from Chair Zoe Lofgren and Ranking Member Jo Bonner to Representative Charles B. Rangel, dated October 29, 2010 (Exhibit 30 at 11-6574\_0432). The Board notes that this advisory opinion to Representative Rangel was issued only to him and cannot be relied upon by any other individual or entity. The letter is cited here only as an example of the application of the Legal Expense Fund Regulations.

<sup>119</sup> *Id.*

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114. TCA has paid approximately \$500,000 to three law firms for legal services provided to Representative Schmidt in 2008, 2009, 2010, and 2011.
115. Representative Schmidt did not receive permission from the Committee to establish a legal expense fund prior to accepting the legal services. Representative Schmidt told the OCE that she has submitted a request to the Committee for approval of a legal expense fund.
116. The Board is not aware of the status of Representative Schmidt's request for approval of the legal expense fund. However, even if a legal expense fund is approved, TCA has already paid for the legal services and does not seek reimbursement.
117. In conclusion, the Board finds that there is substantial reason to believe that Representative Schmidt violated House Rule 25, clause 3 by accepting legal services from TALDF, which TCA paid for prior to her receiving approval from the Committee of a legal expense fund.
118. The Board also finds that there is substantial reason to believe that Representative Schmidt violated House Rule 26, clause 2 and the Ethics in Government Act by failing to report that she received legal services from TALDF as gifts on her financial disclosure statements for calendar years 2008 and 2009.
119. For these reasons, the Board recommends that the Committee further review the allegations described above concerning Representative Schmidt.

# **EXHIBIT 1**

## Legal Expense Fund Regulations

### MEMORANDUM TO ALL MEMBERS, OFFICERS, AND EMPLOYEES<sup>1</sup>

**From: Committee on Standards of Official Conduct**

Nancy L. Johnson, Chairman

Jim McDermott, Ranking Democratic Member

**Date:** June 10, 1996

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The new gift rule exempts “a contribution or other payment to a legal expense fund established for the benefit of a Member, officer, or employee that is otherwise lawfully made in accordance with the restrictions and disclosure requirements of the Committee on Standards of Official Conduct,” as long as the contribution is not from a registered lobbyist or an agent of a foreign principal (House Rule 25, clause 5(a)(3)(E)). In light of this new rule, and pursuant to its authority there under, the Committee hereby issues regulations explaining its “restrictions and disclosure requirements” for legal expense funds. The regulations set forth below supersede the Committee’s prior policies under the old gift rule<sup>2</sup> and take effect as of July 1, 1996. The prior policies remain in effect until that date.

### Legal Expense Fund Regulations

1. A Member, officer, or employee who wishes to solicit and/or receive donations, in cash or in kind, to pay legal expenses shall obtain the prior written permission of the Committee on Standards of Official Conduct.<sup>3</sup>
2. The Committee shall grant permission to establish a Legal Expense Fund only where the legal expenses arise in connection with: the individual’s candidacy for or election to federal office; the individual’s official duties or position in Congress (including legal expenses incurred in connection with an amicus brief filed in a Member’s official capacity, a civil action by a Member challenging the validity of a law or federal regulation, or a matter before the Committee on Standards of Official Conduct); a criminal prosecution; or a civil matter bearing on the individual’s reputation or fitness for office.

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<sup>1</sup> These regulations have been updated in several respects, including to reflect certain Committee policies established after the regulations were originally issued, and the renumbering of the House Rules that occurred at the beginning of the 106<sup>th</sup> and 107<sup>th</sup> Congresses.

<sup>2</sup> See *House Ethics Manual*, 102d Cong., 2d Sess. 49-50 (1992).

<sup>3</sup> Permission is not required to solicit and/or receive a donation in any amount from a relative or a donation of up to \$250 from a personal friend.

3. The Committee shall not grant permission to establish a Legal Expense Fund where the legal expenses arise in connection with a matter that is primarily personal in nature (*e.g.*, a matrimonial action).
4. A Member, officer, or employee may accept pro bono legal assistance without limit to file an amicus brief in his or her capacity as a Member of Congress; to bring a civil action challenging the validity of any federal law or regulation; or to bring a civil action challenging the lawfulness of an action of a federal agency, or an action of a federal official taken in an official capacity, provided that the action concerns a matter of public interest, rather than a matter that is personal in nature. Pro bono legal assistance for other purposes shall be deemed a contribution subject to the restrictions of these regulations.
5. A Legal Expense Fund shall be set up as a trust, administered by an independent trustee, who shall oversee fund raising.
6. The trustee shall not have any family, business, or employment relationship with the trust's beneficiary.
7. Trust funds shall be used only for legal expenses (and expenses incurred in soliciting for and administering the trust), except that any excess funds shall be returned to contributors. Under no circumstances may the beneficiary of a Legal Expense Fund convert the funds to any other purpose.
8. A Legal Expense Fund shall not accept more than \$5,000 in a calendar year from any individual or organization.
9. A Legal Expense Fund shall not accept any contribution from a registered lobbyist or an agent of a foreign principal.
10. Other than as specifically barred by law or regulation, a Legal Expense Fund may accept contributions from any individual or organization, including a corporation, labor union, or political action committee (PAC).
11. No contribution shall be solicited for or accepted by a Legal Expense Fund prior to the Committee's written approval of the completed trust document (including the name of the trustee). No amendment of the trust document is effective, and no successor or substitute trustee may be appointed, without the Committee's written approval.
12. Within one week of the Committee's approval of the trust document, the beneficiary shall file a copy of the trust document with the Legislative Resource Center (B-106 Cannon House Office Building) for public disclosure.

13. The beneficiary of a Legal Expense Fund shall report to the Committee on a quarterly basis, with a copy filed for public disclosure at the Legislative Resource Center:
- a) any donation to the Fund from a corporation or labor union;
  - b) any contribution (or group of contributions) exceeding \$250 in a calendar year from any other single source; and
  - c) any expenditure from the Fund exceeding \$250 in a calendar year.

The reports shall state the full name and street address of each donor, contributor or recipient required to be disclosed. Beginning October 30, 1996, these reports shall be due as follows:

<u>Reporting Period</u>	<u>Due Date</u>
January 1 – March 31	April 30
April 1 – June 30	July 30
July 1 – September 30	October 30
October 1 – December 31	January 30

14. Any Member or employee who established a Legal Expense Fund prior to July 1, 1996 shall make any necessary modifications to the trust document to bring it into compliance with these regulations and shall disclose the trust document with his or her first quarterly report of the 105th Congress on January 30, 1997. Reports of receipts and expenditures shall be due beginning October 30, 1996, as stated in paragraph 13, above.

#### **Use of Campaign Funds for Legal Expenses**

This Committee has stated (in Chapter 4 on campaign activity) that Members may use campaign funds to defend legal actions arising out of their campaign, election, or the performance of their official duties. More recently, however, the Federal Election Commission (FEC) issued regulations defining impermissible personal uses of campaign funds, including using campaign funds for certain legal expenses. Any Member contemplating the use of campaign funds for the direct payment of legal expenses or for contribution to a legal expense fund should first contact the FEC.

# **EXHIBIT 2**

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS  
UNITED STATES HOUSE OF REPRESENTATIVES

**MEMORANDUM OF INTERVIEW**

IN RE: TALDF Lawyer 1  
REVIEW No.: 11-6574  
DATE: March 28, 2011  
LOCATION: Bruce Fein & Associates, Inc.  
1025 Connecticut Avenue, NW  
Washington, DC 20036  
TIME: 10:00 a.m. to 10:45 a.m. (approximately)  
PARTICIPANTS: Kedric L. Payne  
Paul J. Solis

**SUMMARY:** The OCE requested an interview TALDF Lawyer 1, who is an attorney with the Turkish American Legal Defense Fund (“TALDF”), on March 28, 2011, and he consented to an interview. TALDF Lawyer 1 (the “witness”) made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and consented to an interview. He signed a written acknowledgement of the warning, which will be placed in the case file in this review.
2. The witness explained that TALDF is a unit of the Turkish Coalition of America (“TCA”). The witness believes that TCA was established in 2005 or 2006 and TALDF was established in 2007 or 2008.
3. His firm, Bruce Fein & Associates, Inc. is his current employer. TCA pays the firm for the work that the witness performs on behalf of TALDF. The witness explained that he is more like an independent contractor with TALDF.
4. TALDF was created to protect the legal rights of Turkish Americans and focuses on free speech cases. TALDF receives various requests from individuals requesting legal services.
5. The witness screens potential cases and determines if the cases are consistent with the TALDF mission.

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6. The witness told the OCE that a case usually aligns with the TALDF mission if it supports Turkish Americans being able to participate in open public discourse and protects Turkish Americans from any type of discrimination.
7. TCA funds TALDF. As a result, the witness' law firm bills TCA for the hours he works on behalf of TALDF and TCA pays the law firm. There is no retainer agreement and the bills are based on the amount of time the witness spends working on a matter.
8. TALDF provides legal services at no charge to its clients, on a "*pro bono*" basis. The witness stated that it is customary to think *pro bono*, although TCA and the client may share damage awards in a specific case.
9. If there is a legal matter where a TALDF client wins a monetary judgment, the money is divided between TCA and the client. Neither the witness nor his TALDF colleague receives any portion of monetary damages awarded in a legal matter.
10. Examples of TALDF clients include a professor who has a defamation suit and a student who has a civil rights case.
11. TALDF has not represented any federal, state, or local or public official other than Representative Schmidt.
12. The witness believes that he first met Representative Schmidt in November 2008.
13. He first learned of Representative Schmidt from Lincoln McCurdy, who is the President of TCA. Mr. McCurdy told the witness that Representative Schmidt was interested in filing a complaint with the Ohio Election Commission against David Krikorian. The witness does not know who initiated the contact between Mr. McCurdy and Representative Schmidt.
14. Near the end of November 2008, the witness met with Representative Schmidt in her Washington, DC office to discuss the complaint. He believes that her current Chief of Staff, Joe Jansen and her former Chief of Staff, Barry Bennett attended the meeting. The witness believes that Joe Jansen was acting as her lawyer at the time. At the meeting, they discussed filing a case with the Ohio Elections Commission.
15. The witness explained that TALDF's legal services were provided at no charge to Representative Schmidt and that was his understanding at their first meeting.
16. Although the complaint was discussed in November 2008, it was not filed until April 2009 because TALDF was waiting for "ethics" approval.

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17. The witness did not know at the time whether “ethics” approval meant approval from a congressional entity or the Federal Election Commission. He did not know what aspect of the representation had to be approved.
18. In April 2009, Mr. Bennett told the witness that ethics approval had been received and action could be filed because it was approved by ethics.
19. The witness had been working on the case while waiting for client approval.
20. The witness hired Donald Brey as local counsel for the Ohio Election Commission matter. The witness told the OCE that Representative Schmidt referred Mr. Brey to him. TCA pays Mr. Brey’s legal fees.
21. TALDF represented Representative Schmidt in matters involving Mr. Krikorian’s appeal of the Ohio Election Commission decision, an amicus brief in federal court, and a defamation suit against Mr. Krikorian. Representative Schmidt was alerted to all of these actions.
22. With all of these matters, the witness understood that TALDF was providing *pro bono* services to Representative Schmidt. Further, there was no written agreement for scope of services to be provided to Representative Schmidt.
23. He considered each of the matters to be related to the Ohio Election Commission complaint that was discussed in the first meeting of November 2008. The defamation suit was contemplated at the time of the Ohio Election Commission complaint and at other times during discussions with Representative Schmidt.
24. The witness stated that the legal services for the defamation suit are not part of a contingency fee agreement. The services are *pro bono* like the other services provided. However, there is an understanding that if there is a monetary judgment, it will be equally divided between Representative Schmidt and TCA. The witness will not receive any part of a monetary judgment.
25. When asked about a complaint that Representative Schmidt’s campaign filed before the Federal Election Commission against Mr. Krikorian in 2009, the witness said that he was not involved in this matter.
26. Mr. Bennett mentioned a legal trust fund to the witness, but the witness “does not care one way or the other if a fund pays for the legal expenses.” He will not receive the money, but it will reimburse TCA. The witness stated that the back and forth with ethics lawyers over a legal trust fund was “not an inflection point” in the battery of litigation.

CONFIDENTIAL

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

This memorandum was prepared on March 29, 2011, based on the notes that the OCE staff prepared during the interview with the witness on March 28, 2011. I certify that this memorandum contains all pertinent matter discussed with the witness on March 28, 2011.

Kedric L. Payne  
Investigative Counsel

# **EXHIBIT 3**

CONFIDENTIAL

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS  
UNITED STATES HOUSE OF REPRESENTATIVES

**MEMORANDUM OF INTERVIEW**

IN RE: President of Turkish Coalition of America (“TCA”)  
REVIEW No.: 11-6574  
DATE: April 8, 2011  
LOCATION: Turkish Coalition of America  
1025 Connecticut Avenue  
Washington, DC 20036  
TIME: 2:10 p.m. to 3:00 p.m. (approximately)  
PARTICIPANTS: Kedric L. Payne  
Paul J. Solis

**SUMMARY:** The OCE requested an interview with the President of the Turkish Coalition of America (“TCA”), on April 8, 2011, and he consented to an interview. The TCA President (the “witness”) made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and consented to an interview. He signed a written acknowledgement of the warning, which will be placed in the case file in this review.
2. The witness told the OCE that was involved in creating TCA with Dr. Yakin Ayasya. TCA was created in February 2007.
3. TCA is a 501(c)(3) organization that is intended to educate the general public about the Turkish American community; empower the Turkish American community; and bridge gaps between the general public and the Turkish American community.
4. The organization is divided into several groups: Capitol Hill outreach; community outreach; scholarship program; and the Turkish American Legal Defense Fund (“TALDF”). TCA is also involved in organizing trips for Members of Congress and it has a political action committee.
5. The witness is the head of the group involved in Capitol Hill outreach. The group also has one full-time employee and one part-time employee. The witness told the OCE that he spends about 50% of his time working on congressional outreach.
6. This group works with the Turkish Caucus, which is comprised of Members of Congress. The Capitol Hill outreach group encourages Members to join the Turkish Caucus and it provides educational materials to Members concerning Turkey.

CONFIDENTIAL

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

7. The Capitol Hill outreach group meets with legislators concerning the Armenian genocide resolution. The group also meets with legislators concerning Greek and Turkish issues.
8. The witness told the OCE that no one in TCA's Capitol Hill outreach group is registered as a lobbyist. He explained that he is not registered as a lobbyist because he only educates legislators.
9. TALDF was created in late 2007 or the beginning of 2008. The entity was created because Dr. Ayasya wanted an organization to help Turkish Americans that were victims of discrimination.
10. The witness described TALDF as an anti-defamation entity. TALDF becomes involved in legal matters when the lawyers identify a case and decide to accept it or when Turkish Americans request TALDF's legal assistance.
11. The TCA funds TALDF. The witness approves all TCA payments to TALDF and controls the TCA budget.
12. These approvals include all payments to TALDF lawyers Bruce Fein and David Saltzman.
13. The money that TCA uses to pay TALDF comes from TCA's general budget. The witness told the OCE that the TCA does not seek any reimbursements or payments from TALDF clients. TCA also does not solicit funds from any other sources to pay for TALDF expenses.
14. The witness is involved in pre-approving new TALDF legal matters. He attends meetings about new matters. The approval decisions are done by a consensus of the witness; Guler Koknar, TCA Vice President; Bruce Fein; David Saltzman; and the TCA Chairman Dr. Ayasya. This group meets approximately four times per year to make decisions on new matters for TALDF.
15. The witness believes that he first met Representative Jean Schmidt in November 2007 at a fundraiser for Ohio Republicans at the Capitol Hill Club. He attended the fundraiser because the TCA PAC made a campaign contribution for the event.
16. During the event, he overheard Representative Schmidt discussing the Armenian genocide resolution. He introduced himself and explained to Representative Schmidt that he worked for TCA. He offered to provide her with material concerning the Armenian genocide issue.

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

17. The witness told the OCE that Representative Schmidt collected information from sources representing all sides of the Armenian genocide issue and independently decided that she could not support the resolution. He believes that she publicly stated that she could not support the Armenian genocide resolution in December 2007.
18. He believes that near late spring 2008, he received an email, possibly from a Turkish American. In the email, David Krikorian criticized Representative Schmidt for attending campaign fundraisers with Turkish Americans. This email had been sent to various recipients and the witness is not sure who sent it to him.
19. The witness was furious when he read this email because it made him feel that Turkish Americans could not participate in the political process like everyone else without being criticized.
20. He recalls that in the summer of 2008 there were internal discussions at TALDF about whether they should take any legal action in the matter.
21. The witness is not certain if he approached Representative Schmidt and offered TALDF services or if she asked him whether TALDF could provide services.
22. He told the OCE that he saw Representative Schmidt a few times after he received the Krikorian email and they discussed news about Mr. Krikorian. During these discussions, the witness may have mentioned TALDF to Representative Schmidt.
23. He saw Representative Schmidt frequently in 2008 because Representative Schmidt attended TCA events. Also, the TCA PAC was involved in events with Representative Schmidt.
24. The witness also spoke with Representative Schmidt's Chief of Staff, Barry Bennett, at least once per month in 2008 and they discussed the Krikorian matter.
25. The witness recalled Mr. Bennett asking him something about payment for legal services. He explained that he either told Mr. Bennett to reach out to Bruce Fein or he may have told Bruce Fein to reach out to Mr. Bennett. When asked if Mr. Bennett discussed a contingency fee with him, the witness stated that he did not recall that he did.
26. The witness told the OCE that before TALDF could proceed with assisting Representative Schmidt with filing the complaint with the Ohio Election Commission, Mr. Bennett mentioned something about "ethics."
27. He was not involved in any further discussions about payment for the legal services and never talked to Representative Schmidt about payment for services.

CONFIDENTIAL

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

This memorandum was prepared on April 11, 2011, based on the notes that the OCE staff prepared during the interview with the witness on April 8, 2011. I certify that this memorandum contains all pertinent matter discussed with the witness on April 8, 2011.

Kedric L. Payne  
Investigative Counsel

# **EXHIBIT 4**

CONFIDENTIAL

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS  
UNITED STATES HOUSE OF REPRESENTATIVES

**MEMORANDUM OF INTERVIEW**

IN RE: TALDF Lawyer 2  
REVIEW No.: 11-6574  
DATE: March 28, 2011  
LOCATION: Saltzman & Evinch, P.C.  
655 15<sup>th</sup> Street, NW  
Washington, DC 20005  
TIME: 2:05 p.m. to 2:45 a.m. (approximately)  
PARTICIPANTS: Kedric L. Payne  
Paul J. Solis

SUMMARY: The OCE requested an interview with TALDF Lawyer 2, who is an attorney with the Turkish American Legal Defense Fund (“TALDF”), on March 28, 2011, and he consented to an interview. TALDF Lawyer 2 (the “witness”) made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and consented to an interview. He signed a written acknowledgement of the warning, which will be placed in the case file in this review.
2. The witness is a principle at the law firm of Saltzman & Evinch, P.C. He has been employed with the firm since 1993.
3. He provides legal services to the Turkish American Legal Defense Fund (“TALDF”). The services include informing Turkish Americans of their legal rights and reviewing requests for legal representation from Turkish Americans. This litigation part of the work is what the witness does most of the time for TALDF.
4. The TALDF selects legal matters based on whether the cases are within its mission. Also approval from the Turkish Coalition of America (“TCA”) was needed before TALDF could accept a legal matter.
5. The witness told the OCE that he is a junior litigator for TALDF and Bruce Fein is the senior litigator.
6. The witness has been with TALDF since it began in 2008.

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

7. He believes that TALDF's first litigation matter was a complaint that was filed on behalf of Representative Schmidt against David Krikorian in early 2009.
8. The witness explained that he bills TCA for his legal services, quarterly based on the number of hours worked and TCA then makes payments to Saltzman & Evinch, P.C. The hourly rate is a negotiated hourly rate.
9. He believes that he first became aware of the matter involving Representative Schmidt in January 2009, when he received a phone call from Bruce Fein. On the call, Mr. Fein told the witness that the president of TCA, Lincoln McCurdy, had a conversation with Representative Schmidt about TADLF representing her in the matter.
10. The witness first met Representative Schmidt in the spring of 2009 at a meeting in her office. He was in her office to meet with her then Chief of Staff, Barry Bennett. The witness told the OCE that Mr. Bennett was the main point of contact for Representative Schmidt's office.
11. During the spring of 2009, the witness began drafting an outline of a complaint against Mr. Krikorian to be filed with the Ohio Election Commission ("OEC"), and then waited for approval from Representative Schmidt and TCA. TCA approved the draft complaint in February 2009.
12. The witness stated that it was his impression that TALDF was waiting to file the complaint because Representative Schmidt was seeking approval from the House Ethics Committee. The witness told the OCE that he believed ethics approval was needed to determine if Representative Schmidt could be a plaintiff in a matter and if the legal services could be provided at no charge.
13. The witness stated that at the time, February 2009, TALDF expected no money from Representative Schmidt.
14. TALDF filed the complaint with the OEC in April 2009 after Mr. Bennett told Mr. Fein that ethics approval had been received. Conversations about ethics issues did not continue after this point.
15. There was no written retainer agreement outlining scope of representation for Representative Schmidt. TALDF does not usually enter into written agreements with clients except in one case.
16. After the OEC issued its decision, Mr. Fein then told the witness to gather his invoices for the legal services because Representative Schmidt may reimburse for the expenses. However, Representative Schmidt's office never requested the invoices.

CONFIDENTIAL

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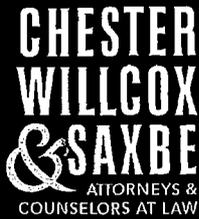
Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

17. Once fully engaged in the legal matters, TALDF often interacted with Representative Schmidt's Chief of Staff.
18. The witness' involvement in the other matters concerning Representative Schmidt began to diminish. He told the OCE that in connection with the OEC complaint, the TALDF assisted Representative Schmidt with legal matters related to Mr. Krikorian's attempt at appealing the decision, an amicus brief, and a defamation suit.
19. According to the witness, TALDF understood that all of these legal services were provided on a *pro bono* basis.
20. He also explained that the defamation suit had been contemplated since the initial conversation about filing the OEC complaint. The suit was not filed until 2010 because TALDF was monitoring Mr. Krikorian's response to the OEC decision.
21. The witness did not assist Representative Schmidt with the complaint that her campaign filed against Mr. Krikorian before the Federal Election Commission in 2009.
22. The witness was shown an email concerning "Lawyer Hours on Jean Schmidt Related Litigation", (Schmidt\_0015). He explained that the hours included in the email were estimated projections of hours that he would spend on the legal matters. He told the OCE that these hours did not reflect actual hours worked.

This memorandum was prepared on March 31, 2011, based on the notes that the OCE staff prepared during the interview with the witness on March 28, 2011. I certify that this memorandum contains all pertinent matter discussed with the witness on March 28, 2011.

Kedric L. Payne  
Investigative Counsel

# **EXHIBIT 5**



Chester Willcox & Saxbe, LLP  
65 East State Street, Suite 1000  
Columbus, OH 43215

MAIN: 614.221. [REDACTED]  
FAX: 614.221.4012  
WWW.CWSLAW.COM

DONALD C. BREY  
DIRECT: 614.334. [REDACTED]  
[REDACTED]@cwsllaw.com

February 11, 2011

Omar S. Ashmawy  
Staff Director and Chief Counsel  
Office of Congressional Ethics  
425 3rd Street, SW. Suite 1110  
Washington, DC 20024

Re: *January 27, 2011 Request for Information*

Dear Mr. Ashmawy:

Pursuant to your January 27, 2011 Request for Information, enclosed find a CD containing the following documents (in Tiff format):

<u>Bates Number</u>	<u>Documents</u>
DCB_OCE – 0001 through 0002	DCB February 11, 2011 Cover Letter
DCB_OCE – 0003 through 0006	Brief Description of Legal Matters
DCB_OCE – 0007	Request for Information Certification
DCB_OCE – 0008 through 0009	Ledger History
DCB_OCE – 00010 through 00095	Redacted Copies of Invoices

On February 2, 2011, I spoke with Investigative Counsel Kedric Payne, who stated that your office is only interested in our redacted bills and the evidence of what we were paid for our legal services. Thus, we have redacted from the bills produced the detailed description of the work performed.

While there are many pleadings, transcripts and exhibits that are in the public record in the cases in which I have represented Jean Schmidt, my understanding is that you are not seeking those documents, but only the documents showing the cost and payment for the legal services provided by us.

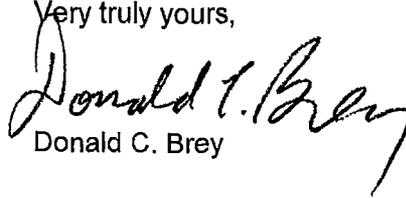
DCB\_OCE - 0001

11-6574\_0020

Omar S. Ashmawy  
February 11, 2011  
Page 2

Please let me know if I can be of further assistance to your office.

Very truly yours,

A handwritten signature in cursive script that reads "Donald C. Brey". The signature is written in black ink and is positioned above the printed name.

Donald C. Brey

### BRIEF DESCRIPTION OF LEGAL MATTERS

Since 2008, Donald C. Brey and his law firm have appeared on behalf of Jean Schmidt before: (1) the Ohio Elections Commission (and administrative appeals from the OEC); (2) federal court; and, (3) Ohio Common Pleas Court. All of these appearances related to Jean Schmidt's efforts to protect herself against David Krikorian's decision to knowingly and recklessly disseminate falsehoods about Jean Schmidt.

#### **1. The Ohio Elections Commission False Statement Cases.**

Two days before the November 4, 2008, general election (at which Jean Schmidt was standing for reelection to Congress), David Krikorian disseminated fliers – including at the parking lots of the church where Jean Schmidt worshiped – in which Krikorian said that Jean Schmidt was “taking money from a foreign government [Turkey] that is killing our soldiers”, that “Jean Schmidt has taken \$30,000 in blood money from Turkish government sponsored political action committees to deny the slaughter of 1.5 million Armenian men, women and children by the Ottoman Government during World War II”, and that “This information is public record and can be found on the Federal Elections Commission data base” [as this statement references facts that support the statements that Turkish government sponsored political action committees donated \$30,000].

Jean Schmidt filed two Complaints before the Ohio Elections Commission regarding these statements, pursuant to Ohio Revised Code Section 3517.21(B)(10), which makes it a violation to “[p]ost, publish, circulate, distribute, or otherwise disseminate a false statement concerning a candidate, either knowing the same to be false or with reckless disregard of whether it was false or not, if the statement is designed to promote the election, nomination, or defeat of the candidate”. The Complaint in OEC Case No. 2009E-003 was filed on April 29, 2009. The

Complaint in OEC Case No. 2009E-012 was filed on July 21, 2009. The two cases were consolidated and tried together.

The two consolidated Ohio Elections Commission cases were hard fought. David Krikorian was represented by experienced Ohio election and first amendment lawyers, as well as by prominent lawyers based in Los Angeles and Washington, D.C.. After months of discovery (including depositions in Ohio, Washington D.C. and Kentucky), motions, procedural arguments and two full days of trial, the Ohio Elections Commission unanimously found that each of the above quoted statements were false and that there was clear and convincing evidence that David Krikorian had lied by making them in violation of R.C. 3517.21(B)(10). That is, the Ohio Elections Commission unanimously found, by clear and convincing evidence, that David Krikorian falsely accused Jean Schmidt of directly or indirectly receiving money from the Turkish government, either knowing that these statements were false, or with reckless disregard of their truth or falsity (which is the standard of *New York Times v. Sullivan* (1964), 376 U.S. 254).

David Krikorian's administrative appeals of these two Ohio Elections Commission cases to the Franklin County Common Pleas Court (*Schmidt v. Krikorian* Franklin County C.P. Case Nos. 09CV-11-17707 and 09CV-11-17709) were subsequently dismissed, and David Krikorian chose to forgo any appeal of the February 25, 2010, Judgment Entry of the Franklin County Court of Common Pleas dismissing his appeal from the Ohio Elections Commission's findings that he lied about Jean Schmidt.

## 2. Krikorian's Federal Court Action

Instead, David Krikorian filed a federal lawsuit (*Krikorian v. Ohio Elections Commission et al.* Southern Dist. Ohio Case No. 1:10-CV-103) in which David Krikorian challenged the Ohio

Elections Commission's right to make findings against him for lying about Jean Schmidt. Originally, David Krikorian filed his federal lawsuit in the Northern District of Ohio under a different case number. But this transparent attempt to "forum shop" resulted in the Northern District promptly transferring the matter to the Southern District of Ohio.

This federal court action was, in effect, an attempt to use the federal courts to void the Ohio Elections Commission's findings that David Krikorian had knowingly and recklessly lied about Jean Schmidt. While David Krikorian did not name Jean Schmidt as a party, we filed amicus curiae briefs on behalf of Jean Schmidt responding to the merits of David Krikorian's claims, and urging the court to dismiss Krikorian's lawsuit on *Younger* abstention grounds.

On October 19, 2010, Judge Susan Dlott dismissed David Krikorian's federal lawsuit.

### **3. The Ohio Common Pleas Court Defamation Action**

In an ideal world, after the Ohio Elections Commission Complaints were filed, or at least after the Ohio Elections Commission found probable cause that David Krikorian had lied, David Krikorian would have ceased his lies about Jean Schmidt receiving money from the Turkish government or its agents. Unfortunately, Jean Schmidt's hopes that the Ohio Elections Commission cases would deter David Krikorian from continuing his defamations of Jean Schmidt were dashed by David Krikorian's decision to repeatedly state that he "stand[s] by all of the statements that [he] made" about Jean Schmidt, that Jean Schmidt "is a paid puppet of the Turkish government involved in their denial campaign to suppress the truth about the Armenian genocide", that "Schmidt is bought and paid for by the Turkish lobby", that "the Turkish government is behind those contributions" and the like. Thus, on June 8, 2010, about a month before the statute of limitations would have expired on the earliest of Krikorian's republished statements, a defamation complaint was filed in State Court regarding these defamatory

statements. *Schmidt v. Krikorian*, Clermont County (Ohio) Common Pleas Court Case No. 2010-CVC-1217 is a continuation of the two Ohio Elections Commission cases and the Federal case in that it also involves efforts by Jean Schmidt to obtain redress for David Krikorian's lies about her or efforts by David Krikorian to continue to publish those lies with impunity.

4845-0362-2920, v. 1

# **EXHIBIT 6**

Clerk of the House of Representatives  
Legislative Resource Center  
B-106 Cannon Building  
Washington, DC 20515  
<http://lobbyingdisclosure.house.gov>

Secretary of the Senate  
Office of Public Records  
232 Hart Building  
Washington, DC 20510  
<http://www.senate.gov/lobby>

# LOBBYING REPORT

Lobbying Disclosure Act of 1995 (Section 5) - All Filers Are Required to Complete This Page

1. Registrant Name  Organization/Lobbying Firm  Self Employed Individual

George J. Hochbrueckner & Associates, Inc.

2. Address  Check if different than previously reported

Address1 Private Road, Edgemere Park Address2 P.O. Box 637  
City Laurel State NY Zip Code 11948 - Country USA

3. Principal place of business (if different than line 2)

City State Zip Code - Country

4a. Contact Name b. Telephone Number c. E-mail

Mr. George Hochbrueckner (631) 298-XXXXXXXXXX

5. Senate ID#

18375-1003542

7. Client Name  Self  Check if client is a state or local government or instrumentality

6. House ID#

322940037

TYPE OF REPORT 8. Year 2008 Q1 (1/1 - 3/31)  Q2 (4/1 - 6/30)  Q3 (7/1-9/30)  Q4 (10/1 - 12/31)

9. Check if this filing amends a previously filed version of this report

10. Check if this is a Termination Report  Termination Date 12/31/2008 11. No Lobbying Issue Activity

## INCOME OR EXPENSES - YOU MUST complete either Line 12 or Line 13

### 12. Lobbying

INCOME relating to lobbying activities for this reporting period was:

Less than \$5,000   
\$5,000 or more  \$ 10,000.00

Provide a good faith estimate, rounded to the nearest \$10,000, of all lobbying related income from the client (including all payments to the registrant by any other entity for lobbying activities on behalf of the client).

### 13. Organizations

EXPENSE relating to lobbying activities for this reporting period were:

Less than \$5,000   
\$5,000 or more  \$

14. REPORTING Check box to indicate expense accounting method. See instructions for description of options.

- Method A.** Reporting amounts using LDA definitions only  
 **Method B.** Reporting amounts under section 6033(b)(8) of the Internal Revenue Code  
 **Method C.** Reporting amounts under section 162(e) of the Internal Revenue Code

Signature

Date 01/15/2009

Printed Name and Title George J. Hochbrueckner, President

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Add additional page(s) as needed.

15. General issue area code   (one per page)

16. Specific lobbying issues

Turkish-American issues.

17. House(s) of Congress and Federal agencies  Check if None

U.S. HOUSE OF REPRESENTATIVES, U.S. SENATE

18. Name of each individual who acted as a lobbyist in this issue area

First Name	Last Name	Suffix	Covered Official Position (if applicable)	New
George	Hochbrueckner		U.S. Congressman 1987-1994	<input type="checkbox"/>
				<input type="checkbox"/>

19. Interest of each foreign entity in the specific issues listed on line 16 above  Check if None

Printed Name and Title George J. Hochbrueckner, President

# **EXHIBIT 7**

TURKISH  
AMERICAN  
LEGAL DEFENSE FUND

February 14, 2011

Omar S. Ashmawy  
Staff Director and Chief Counsel  
Office of Congressional Ethics  
425 3<sup>rd</sup> Street, SW, Suite 1110  
Washington, D.C. 20024

Re: REQUEST FOR INFORMATION

Dear Mr. Ashmawy:

My response to your January 27, 2011 Request for Information in the time frame 2008-present is as follows:

1. TALDF has provided legal services to Representative Jean Schmidt concerning a Complaint she filed with the Ohio Elections Commission under Ohio law alleging intentional misstatements of fact to affect the outcome of her congressional race in 2008 by opponent David Krikorian. The case was adjudicated over two days of hearings in 2009 in favor of Schmidt on three counts of intentional false statements.
2. TALDF provided legal services to Schmidt in the appeal of the OEC's decisions to the Ohio Court of Common Pleas, which concluded in her favor.
3. TALDF provided legal services to Schmidt as amicus curiae in opposing David Krikorian's suit against the Ohio Elections Commission in 2010 in the United States District Courts for the Northern and Southern Districts of Ohio challenging the constitutionality of the OEC and its three rulings against Krikorian. The U.S. District Court for the Southern District of Ohio ultimately dismissed the suit.
4. TALDF has provided legal services to Schmidt in her pending defamation suit against David Krikorian and the Krikorian for Congress Committee in the Ohio Court of Common Pleas, Clermont County. Various motions remain outstanding.
5. The costs of TALDF's legal services, enumerated above and provided by me, are attached as Exhibit 1.

Please alert me if you need anything further.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bruce Fein". The signature is written in black ink and is positioned above a horizontal line.

---

BRUCE FEIN  
Senior Counsel  
TALDF

# **EXHIBIT 8**

TURKISH AMERICAN LEGAL DEFENSE FUND

1025 CONNECTICUT AVE., N.W.

WASHINGTON, D.C. 20036

INVOICE

January 29, 2008

Lincoln McCurdy

Re: Legal Services

January 7: 8 hrs.

Cost per hr: \$400.00

Please make payable to Bruce Fein & Associates, Inc.

TURKISH AMERICAN LEGAL DEFENSE FUND

February 25, 2009

INVOICE

Lincoln McCurdy

Turkish Coalition of America

RE: Legal Services

Feb. 9-		
8hrs.		
Feb. 13-		-8
hrs.		
Feb. 19-	-4 hrs.	

Cost per hr: \$400.00

Please make check payable to Bruce Fein & Associates, Inc.

Many thanks.  
Bruce

TURKISH AMERICAN LEGAL DEFENSE FUND

INVOICE

Lincoln McCurdy

RE: Legal Services (March 2009)

March 9

8 hrs.

March 13

6 hrs.

March 19

4 hrs.

Cost per hour-\$400.00

Please make check payable to Bruce Fein & Associates, Inc.

Many thanks.

Bruce

TURKISH AMERICAN LEGAL DEFENSE FUND

INVOICE

Lincoln McCurdy

RE: Legal Services (April 2009)

April 4: 8 hrs.

April 10: 3 hrs.

Cost per hour: \$400.00

Turkish American Legal Defense Fund

INVOICE

Lincoln McCurdy

RE: Legal Services (April 28-May 2009)

May 6: 1 hr.

May 13-12 hrs,

May 14: 12 hrs.

May 15: 8 hrs.

May 18: 3 hrs.

May 27: 4 hrs.

Cost per hour: \$400.00

Please make check out to Bruce Fein & Associates, Inc.

Many thanks.

Bruce

TURKISH AMERICAN LEGAL DEFENSE FUND

INVOICE

Lincoln McCurdy

Re: Legal services (June 2009)

1. June 4-5-10 hrs

3.

3. June 15-4 hrs.

5. June 17-2 hrs.

11. June 29-8 hrs.

Cost per hour-\$400.00

Please make check payable to Bruce Fein & Associates, Inc.

Many thanks.

Bruce

Turkish American Legal Defense Fund

Lincoln McCurdy

RE: Legal Services-July 2009

July 1-12 hrs

July 9-8 hrs.

July 10-8 hrs.

July 17-8 hrs.

July 27-4 hrs.

Cost per hour: \$400.00

Please make check payable to Bruce Fein & Associates, Inc.

TURKISH AMERICAN LEGAL DEFENSE FUND

INVOICE

Lincoln McCurdy

RE: Legal Services (August 2009)

August 6-4 hrs.

August 7-4 hrs.

August 8-8 hrs.

August 10-4 hrs.

August 12-4 hrs.

August 14-8 hrs.

August 21-5 hrs.

August 22-8 hrs.

August 23-8 hrs.

August 24-8 hrs.

August 28-8 hrs.

August 30-4 hrs.

August 31-8 hrs.

Cost per hour: \$400.00

Please make check payable to Bruce Fein & Associates, Inc.

Many thanks.

Bruce

TURKISH AMERICAN LEGAL DEFENSE FUND

INVOICE

Lincoln McCurdy

RE: Legal Services (Sept. 2009)

Sept. 1-8 hrs.

Sept. 2-8 hrs

Sept. 3-8 hrs.

Sept. 24-8 hrs.

Sept. 26-8 hrs.

Sept. 28-8 hrs.

Sept. 29-8 hrs.

Sept. 30-8 hrs.

Cost per hour-\$400

Please make check payable to Bruce Fein & Associates, Inc.

Many thanks.

Bruce

TURKISH AMERICAN LEGAL DEFENSE FUND  
1025 CONNECTICUT AVENUE, N.W., SUITE 1000  
WASHINGTON, D.C. 20036

INVOICE

Lincoln McCurdy  
Turkish Coalition of America

RE: Legal Services (October 2009)

Oct. 1

12hrs.

Cost per hour: \$400.00

Please make check out to Bruce Fein & Associates, Inc.

Many thanks.  
Bruce

TURKISH AMERICAN LEGAL DEFENSE FUND

INVOICE

Lincoln McCurdy

RE: Legal Services

November 29-4 hrs.

November 30-2 hrs.

December 9-8 hrs.

December 10-4 hrs.

December 19-8hrs.

December 20-8 hrs

December 22-6 hrs.

Cost per hour: \$400.00

TURKISH AMERICAN LEGAL DEFENSE FUND

INVOICE

Lincoln McCurdy

RE: Legal Services (January 2010)

January 18<sup>7</sup>

8 hrs.

January 21-

8 hrs.

January 23-

8 hrs.

January 24-  
hrs.

8

January 26-

8 hrs.

January 28-

6 hrs.

January 29-

2 hrs.

Cost per hour: \$400.00

Please make check to Bruce Fein & Associates, Inc.

TURKISH AMERICAN LEGAL DEFENSE FUND

INVOICE

Lincoln McCurdy

Re: Legal Services (Feb. 2010)

February 1:

-4 hrs.

February 2:

-4 hrs.

February 3:  
hrs.

.2

February 9:

-4 hrs.

February 10:

-6 hrs.

February 11:

8 hrs.

February 16:

15 minutes.

February 16:

20 minutes.

February 17:

25

minutes.

February 17:

-20

minutes.

February 18:

30 minutes.

Feb. 18:

15 minutes.

February 18:

4 hrs.

February 19:

10 hrs.

February 20:

-8 hrs.

February 21:

20 minutes.

February 21:

-90

minutes

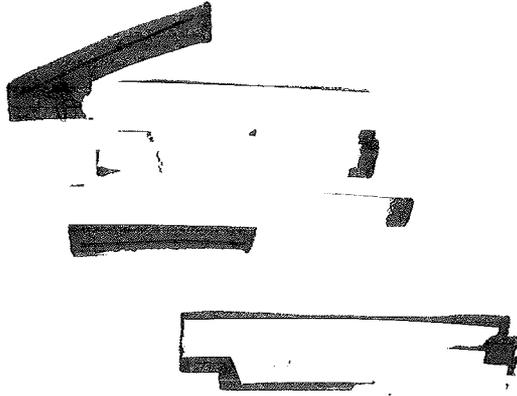
February 25:

-1 hr.

February 26:

20 minutes.

Cost per hour: \$400.00



TURKISH AMERICAN LEGAL DEFENSE FUND

BILLING STATEMENT: FEB-MARCH 2010

[REDACTED]

4. March 1:

1.25 hrs.

[REDACTED]

6. March 2:

4 hrs.

7. March 3:

7 hrs.

[REDACTED]

Cost per hour: \$400.00

Turkish American Legal Defense Fund Billing Statement  
April 2010

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
5. April 16:

2 hrs.

7. April 19:

4 hrs.

8. April 20:

4 hrs.

10. April 22:

2 hrs.

11. April 23:

hrs.

4

12. April 26:

4 hrs.

14. April 28:

8 hrs.

Cost per hour: \$400.00

TURKISH AMERICAN LEGAL DEFENSE FUND BRUCE FEIN BILLING STATEMENT  
MAY 2010

1. May 4, 2010: 8 hrs.
2. May 5, 2010: 8 hrs.

---

4. May 10, 2010: -6 hrs.
5. May 12, 2010: -8 hrs.
6. May 13, 2010: -8 hrs.
7. May 14, 2010: -8hrs.
8. May 19, 2010: 4 hrs.

---

10. May 24, 2010: 4 hrs.
11. May 26, 2010: -6 hrs.
- hrs.
12. May 28, 2010: 2 hrs.

Cost per hour: \$400.00

Turkish American Legal Defense Fund

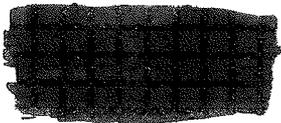
Bruce Fein's July, 2010 Billing Statement

July 7: ' [REDACTED]

1 hr. [REDACTED]

Cost per hour: \$400.00

Please make check to: Bruce Fein & Associates, Inc.



TURKISH AMERICAN LEGAL DEFENSE FUND  
BRUCE FEIN BILLING STATEMENT SEPTEMBER 2010

[REDACTED]

Sept. 20:

8 hrs.

Sept. 26:

8 hrs.

Sept. 27:

6 hrs.

Sept. 29:

4 hrs.

Cost per hour: \$400.00

TURKISH AMERICAN LEGAL DEFENSE FUND  
BRUCE FEIN'S BILLING STATEMENT FOR OCTOBER 2010

3. October 11:

-8 hrs.

4. October 12:

-8 hrs.

5. October 19:

-6 hrs.

6. October 20:

6 hrs.

10. October 27:

1 hr.

11. October 28:

-8 hrs.

Cost per hour: \$400.00

Bruce Fein's Billing Statement for the Turkish American Legal Defense Fund  
November 2010

November 1:

8 hrs.

November 2:

8 hrs.

November 14:

5 hrs.

November 15:

6 hrs.

November 16:

8 hrs.

November 18:

1 hr.

Cost per hour: \$400.00

Bruce Fein's Turkish American Legal Defense Fund Billing Statement

December 2010

[REDACTED]

December 14: 2 hrs.

[REDACTED]

Cost per hour: \$400.00

# **EXHIBIT 9**

SALTZMAN & EVINCH, P.C.  
ATTORNEYS AT LAW

METROPOLITAN SQUARE  
655 FIFTEENTH STREET, NW  
F STREET LOBBY, SUITE 225  
WASHINGTON, DC 20005-5701

TELEPHONE (202) 637-  
FACSIMILE (202) 637-9876

DAVID S. SALTZMAN  
GONAY EVINCH (ÖVÜNÇ)

@TURKLAW.NET  
@TURKLAW.NET

WWW.TURKLAW.NET

February 17, 2011

Mr. Omar Ashmawy, Staff Director and Chief Counsel  
Office of Congressional Ethics  
United States House of Representatives  
425 3<sup>rd</sup> Street, SW  
Suite 1110  
Washington, DC 20024

P.O. Box 895  
Washington, DC 20515-0895

Re: Request for Information; Legal Services to Rep. Jean Schmidt

Dear Mr. Ashmawy:

Enclosed please find all information in my possession relevant to your request for information of January 27, 2011.

I spoke on January 28, 2011 with Investigative Counsel Kedric Payne, who stated that your office is interested in evidence of what my firm or I was paid for legal services on Rep. Schmidt's behalf. Thus, we have redacted from the invoices produced descriptions of the work performed. As the invoices also include information pertaining to numerous matters unrelated to Rep. Schmidt, such information has also been redacted. The invoices tally 87.3 hours of legal services on Rep. Schmidt's behalf, billed at an hourly rate of \$325. Please understand that I have done additional, though not substantial, work on Rep. Schmidt's matters but have not yet submitted invoices for payment.

I will also submit this information via electronic mail in a pdf file to Mr. Payne, as he and I discussed by telephone earlier today.

Please advise me if I can be of further assistance to your office.

Sincerely,



David Saltzman

Salt\_001

11-6574\_0059

## **Brief Description Of Legal Matters on Behalf of Rep. Jean Schmidt**

Since 2008, David Saltzman and his law firm have provided legal services on behalf of Jean Schmidt in her actions before: (1) the Ohio Elections Commission (and administrative appeals from the OEC); (2) federal court; and, (3) Ohio Common Pleas Court. All of these related to Jean Schmidt's efforts to protect and preserve her reputation against falsehoods disseminated by David Krikorian, twice a congressional candidate in Ohio's second district.

### **1. The Ohio Elections Commission False Statement Cases.**

Two days before the November 4, 2008, general election (at which Jean Schmidt was standing for reelection to Congress), David Krikorian disseminated fliers – including at the parking lots of the church where Jean Schmidt worshipped – in which Krikorian stated that Jean Schmidt was “taking money from a foreign government [Turkey] that is killing our soldiers”, that “Jean Schmidt has taken \$30,000 in blood money from Turkish government sponsored political action committees to deny the slaughter of 1.5 million Armenian men, women and children by the Ottoman Government during World War II”, and that “This information is public record and can be found on the Federal Elections Commission data base” [as this statement purports to reference facts that support the statements that Turkish government sponsored political action committees donated \$30,000].

Rep. Jean Schmidt filed two Complaints before the Ohio Elections Commission regarding these statements, pursuant to Ohio Revised Code Section 3517.21(B)(10), which makes it a violation to “[p]ost, publish, circulate, distribute, or otherwise disseminate a false statement concerning a candidate, either knowing the same to be false or with reckless disregard of whether it was false or not, if the statement is designed to promote the election, nomination, or defeat of the candidate”. The Complaint in OEC Case No. 2009E-003 was filed on April 29,

2009. The Complaint in OEC Case No. 2009E-012 was filed on July 21, 2009. The two cases were consolidated and tried together.

The two consolidated Ohio Elections Commission cases were hard fought. David Krikorian was represented by experienced Ohio election and first amendment lawyers, as well as by prominent lawyers based in Los Angeles and Washington, D.C. After months of discovery (including depositions in Ohio, Washington D.C. and Kentucky), motions, procedural arguments and two full days of trial, the Ohio Elections Commission unanimously found that each of the above quoted statements regarding Rep. Schmidt were false and that there was clear and convincing evidence that David Krikorian had lied by making them in violation of R.C. 3517.21(B)(10). That is, the Ohio Elections Commission unanimously found, by clear and convincing evidence, that David Krikorian falsely accused Rep. Jean Schmidt of directly or indirectly receiving money from the Turkish government, either knowing that these statements were false, or with reckless disregard of their truth or falsity (which is also the standard for public figure defamation in *New York Times v. Sullivan*, 376 U.S. 254 (1964)).

David Krikorian's administrative appeals of these two Ohio Elections Commission cases to the Franklin County Common Pleas Court (*Schmidt v. Krikorian*, Franklin County C.P. Case Nos. 09CV-11-17707 and 09CV-11-17709) were subsequently dismissed, and David Krikorian chose to forgo any appeal of the February 25, 2010, Judgment Entry of the Franklin County Court of Common Pleas dismissing his appeal from the Ohio Elections Commission's findings that he lied about Jean Schmidt.

## **2. Krikorian's Federal Court Action**

Instead, David Krikorian filed a federal lawsuit (*Krikorian v. Ohio Elections Commission et al.* Southern Dist. Ohio Case No. 1:10-CV-103) in which he challenged the Ohio Elections

Commission's right to make findings against him for lying about Rep. Jean Schmidt. Originally, David Krikorian filed his federal lawsuit in the Northern District of Ohio under a different case number. But this transparent attempt to "forum shop" resulted in the Northern District promptly transferring the matter to the Southern District of Ohio.

This federal court action was, in effect, an attempt to use the federal courts to void the Ohio Elections Commission's findings that David Krikorian had knowingly and recklessly made false statements about Rep. Jean Schmidt. While David Krikorian did not name Rep. Schmidt as a party, we filed amicus curiae briefs on his behalf responding to the merits of David Krikorian's claims, and urging the court to dismiss Krikorian's lawsuit on *Younger* abstention grounds (*Younger v. Harris*, 401 U.S. 37 (1971)).

On October 19, 2010, U.S. District Judge Susan Dlott dismissed David Krikorian's federal lawsuit.

### **3. The Ohio Common Pleas Court Defamation Action**

In an ideal world, after the Ohio Elections Commission Complaints were filed, or at least after the Ohio Elections Commission found probable cause that David Krikorian had lied, David Krikorian would have ceased his lies about Rep. Jean Schmidt receiving money from the Turkish government or its alleged agents. Unfortunately, Jean Schmidt's hopes that the Ohio Elections Commission ruling and written reprimands would deter David Krikorian from continuing his defamations were dashed by David Krikorian's decision to repeatedly state that he "stand[s] by all of the statements that [he] made" Rep. Schmidt, that she "is a paid puppet of the Turkish government involved in their denial campaign to suppress the truth about the Armenian genocide", that "Schmidt is bought and paid for by the Turkish lobby", that "the Turkish government is behind those contributions" and the like. Thus, on June 8, 2010, about a month

before the statute of limitations would have expired on the earliest of Krikorian's republished statements, Rep. Schmidt filed a defamation complaint in State Court regarding these statements. *Schmidt v. Krikorian*, Clermont County (Ohio) Common Pleas Court Case No. 2010-CVC-1217 is a continuation of the two Ohio Elections Commission cases and the Federal case in that it also involves efforts by Jean Schmidt to obtain redress for David Krikorian's lies about her or efforts by David Krikorian to continue to publish those lies with impunity.

# **EXHIBIT 10**

TURKISH AMERICAN TA  
LEGAL DEFENSE FUND

To: Mr. G. Lincoln McCurdy  
Turkish Coalition of America, Inc.

Re: TALDF Fees for September 1 - December 15, 2008

---

INVOICE

David S. Saltzman  
Saltzman & Evinch, PC

U.S. Soc. Sec. No. [REDACTED]  
DC Bar No. 436201

Firm's Employer Identification No. [REDACTED]

For: [REDACTED]

[REDACTED] (9.2 hrs.)

Time: [REDACTED] hrs. @ \$325/hr. = \$ [REDACTED] (Atty. David Saltzman)

Expenses: [REDACTED]

AMOUNT DUE THIS INVOICE:

US\$ [REDACTED]

Please remit via mail to the Saltzman & Evinch PC at 655 15<sup>th</sup> St., N.W., Suite 225-F,  
Washington, DC 20005, or via telegraphic transfer as follows:

[REDACTED]



David S. Saltzman

TURKISH AMERICAN TALDF  
LEGAL DEFENSE FUND

To: Mr. G. Lincoln McCurdy  
Turkish Coalition of America, Inc.

Re: TALDF April 1, 2009 – June 30, 2009

INVOICE

David S. Saltzman  
Saltzman & Evinch, PC

U.S. Soc. Sec. No. [REDACTED]  
DC Bar No. 436201

Firm's Employer Identification No. [REDACTED]

For: (Apr 1- Apr 30: [REDACTED] hrs.) [REDACTED] (1.5 hrs.)  
[REDACTED] (May 1 – May 31: [REDACTED] hrs.)  
[REDACTED] (1.0 hr.) (June 1 – June 30: [REDACTED] hrs.)

Time: [REDACTED] hrs. @ \$325/hr. = \$ [REDACTED] (Atty. David Saltzman)

Expenses: [REDACTED] (\$5.00).

AMOUNT DUE THIS INVOICE:

US\$ [REDACTED]

Please remit via mail to the Saltzman & Evinch PC at 655 15<sup>th</sup> St., N.W., Suite 225-F,  
Washington, DC 20005, or via telegraphic transfer as follows:

[REDACTED]

  
David S. Saltzman

**TURKISH AMERICAN TA**  
**LEGAL DEFENSE FUND**

To: Mr. G. Lincoln McCurdy  
Turkish Coalition of America, Inc.

Re: TALDF July. 1, 2009 – Sept. 30, 2009

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**INVOICE**

David S. Saltzman  
Saltzman & Evinch, PC

U.S. Soc. Sec. No. [REDACTED]

DC Bar No. 436201

Firm's Employer Identification No. [REDACTED]

For: (July 1 - July 31: [REDACTED] hrs.) [REDACTED] (1.1hrs), [REDACTED]  
[REDACTED]

(Aug. 1 - Aug. 31: [REDACTED] hrs.) [REDACTED]  
[REDACTED] (5.5hrs), [REDACTED]

(Sept. 1-Sept. 30: [REDACTED] hrs.) [REDACTED] (32.0hrs), [REDACTED]

Time: [REDACTED] hrs. @ \$325/hr. = \$ [REDACTED] (Atty. David Saltzman)

Expenses: [REDACTED]

**AMOUNT DUE THIS INVOICE:**

US\$ [REDACTED]

Please remit via mail to the Saltzman & Evinch PC at 655 15<sup>th</sup> St., N.W., Suite 225-F,  
Washington, DC 20005, or via telegraphic transfer as follows:

[REDACTED]



David S. Saltzman

**TURKISH AMERICAN TA  
LEGAL DEFENSE FUND**

To: Mr. G. Lincoln McCurdy  
Turkish Coalition of America, Inc.

Re: TALDF Oct. 1, 2009 – Dec. 31, 2009

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**INVOICE**

David S. Saltzman  
Saltzman & Evinch, PC

U.S. Soc. Sec. No. [REDACTED]  
DC Bar No. 436201  
Firm's Employer Identification No. [REDACTED]

For: (Oct 1- Oct 31: [REDACTED] hrs.) [REDACTED] (12.0hrs)

[REDACTED]

(Nov 1 – Nov 30: [REDACTED] hrs.)

[REDACTED]

(Dec 1 – Dec 31 [REDACTED] hrs.)

[REDACTED]

Time: [REDACTED] hrs. @ \$325/hr. = \$ [REDACTED] (Atty. David Saltzman)

Expenses: \$69.18 [REDACTED]

**AMOUNT DUE THIS INVOICE:**

**US\$ [REDACTED]**

Please remit via mail to the Saltzman & Evinch PC at 655 15<sup>th</sup> St., N.W., Suite 225-F,  
Washington, DC 20005, or via telegraphic transfer as follows:

[REDACTED]



David S. Saltzman

TURKISH  
AMERICAN TALDF  
LEGAL DEFENSE FUND

To: Mr. G. Lincoln McCurdy  
Turkish Coalition of America, Inc.

Re: TALDF Jan. 1, 2010 – March 31, 2010

---

INVOICE

David S. Saltzman  
Saltzman & Evinch, PC

U.S. Soc. Sec. No. [REDACTED]  
DC Bar No. 436201

Firm's Employer Identification No. [REDACTED]

For: (January: [REDACTED] hrs.) [REDACTED]  
[REDACTED]  
[REDACTED];

(February: [REDACTED] hrs.) [REDACTED] (1.5  
[REDACTED] hrs.);  
[REDACTED]  
[REDACTED];

(March: [REDACTED] hrs.) [REDACTED] (0.5 hrs.);  
[REDACTED] (1.9 hrs);  
[REDACTED]

Time: [REDACTED] hrs. @ \$325/hr. = \$ [REDACTED] (Atty. David Saltzman)

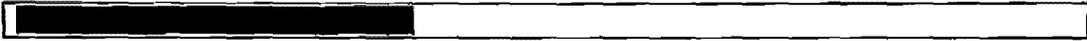
Expenses: (none)

AMOUNT DUE THIS INVOICE:

US\$ [REDACTED]

Please remit via mail to the Saltzman & Evinch PC at 655 15<sup>th</sup> St., N.W., Suite 225-F,  
Washington, DC 20005, or via telegraphic transfer as follows:

[REDACTED]



A handwritten signature in cursive script, appearing to read "David S. Saltzman".

David S. Saltzman

**TURKISH AMERICAN TALDF  
LEGAL DEFENSE FUND**

To: Mr. G. Lincoln McCurdy  
Turkish Coalition of America, Inc.

Re: TALDF April 1 – June 30, 2010

---

**INVOICE**

David S. Saltzman  
Saltzman & Evinch, PC

U.S. Soc. Sec. No. [REDACTED]  
DC Bar No. 436201  
Firm's Employer Identification No. [REDACTED]

For: (April [REDACTED] hrs.) [REDACTED] (2.0 hrs.);  
[REDACTED] (4.1 hrs.);

(May: [REDACTED] hrs.) [REDACTED] (9.0 hrs.);  
[REDACTED] (5.0 hrs.);

(June: [REDACTED] hrs.) [REDACTED]

Time: [REDACTED] hrs. @ \$325/hr. = \$ [REDACTED] (Atty. David Saltzman)

Expenses: (none)

**AMOUNT DUE THIS INVOICE:**

**US\$ [REDACTED]**

Please remit via mail to the Saltzman & Evinch PC at 655 15<sup>th</sup> St., N.W., Suite 225-F,  
Washington, DC 20005, or via telegraphic transfer as follows:

[REDACTED]



David S. Saltzman

# **EXHIBIT 11**

Inquiry: General - Ledger History  
 Client: 13292 - TURKISH AMERICAN LEGAL DEFENSE  
 Matter: 24 - Schmidt v. Krikorian

User: DWR

	Type	Bill	Date	Cash / PPD	Fees	Expenses	Surchg/Tax/Int	A/R Balance
1	Bill	112858	01/15/2009	0.00	915.00	0.00	0.00	915.00
2	Bill	114023	02/13/2009	0.00	0.00	0.00	0.00	915.00
3	Bill	114189	03/17/2009	0.00	65.00	0.00	0.00	980.00
4	Cash	112858	04/13/2009	915.00	915.00	0.00	0.00	65.00
5	Cash	114189	04/13/2009	65.00	65.00	0.00	0.00	0.00
6	Bill	114895	04/13/2009	0.00	1,170.00	0.00	13.73	1,183.73
7	Bill	115628	05/15/2009	0.00	1,852.50	38.34	0.00	3,074.57
8	Bill	117002	06/15/2009	0.00	5,720.00	4.50	17.55	8,816.62
9	Cash	114895	07/06/2009	1,170.00	1,170.00	0.00	0.00	7,646.62
10	Cash	115628	07/06/2009	1,890.84	1,852.50	38.34	0.00	5,755.78
11	Cash	117002	07/06/2009	13.73	9.23	4.50	0.00	5,742.05
12	Bill	117109	07/15/2009	0.00	5,070.00	106.52	0.00	10,918.57
13	Bill	117933	08/14/2009	0.00	20,835.50	3,431.99	85.66	35,271.72
14	Cash	117002	08/17/2009	5,710.77	5,710.77	0.00	0.00	29,560.95
15	Cash	117109	08/17/2009	1,775.81	1,669.29	106.52	0.00	27,785.14
16	Cash	117933	08/17/2009	3,431.99	0.00	3,431.99	0.00	24,353.15
17	Bill	118573	09/10/2009	0.00	36,867.00	1,345.01	51.01	62,616.17
18	Bill	119254	10/15/2009	0.00	30,132.50	4,038.59	363.54	97,150.80
19	Bill	120356	11/13/2009	0.00	5,315.50	5,388.81	936.72	108,791.83
20	Bill	120855	12/11/2009	0.00	910.00	1,199.89	1,449.29	112,351.01
21	Cash	114895	01/11/2010	13.73	0.00	0.00	13.73	112,337.28
22	Cash	117002	01/11/2010	17.55	0.00	0.00	17.55	112,319.73
23	Cash	117109	01/11/2010	3,400.71	3,400.71	0.00	0.00	108,919.02
24	Cash	117933	01/11/2010	20,921.16	20,835.50	0.00	85.66	87,997.86
25	Cash	118573	01/11/2010	38,263.02	36,867.00	1,345.01	51.01	49,734.84
26	Cash	119254	01/11/2010	34,534.63	30,132.50	4,038.59	363.54	15,200.21
27	Cash	120356	01/11/2010	11,641.03	5,315.50	5,388.81	936.72	3,559.18
28	Cash	120855	01/11/2010	3,559.18	910.00	1,199.89	1,449.29	0.00
29	Bill	121316	01/15/2010	0.00	1,202.50	1.26	0.00	1,203.76
30	Bill	121986	02/12/2010	0.00	10,164.50	291.64	0.00	11,659.90
31	Bill	122678	03/12/2010	0.00	9,535.50	310.88	18.06	21,524.34
32	Cash	121316	03/24/2010	1,203.76	1,202.50	1.26	0.00	20,320.58
33	Cash	121986	04/13/2010	10,456.14	10,164.50	291.64	0.00	9,864.44
34	Cash	122678	04/13/2010	9,864.44	9,535.50	310.88	18.06	0.00
35	Bill	123392	04/19/2010	0.00	2,632.50	122.12	0.00	2,754.62
36	Bill	124114	05/14/2010	0.00	1,173.50	20.70	0.00	3,948.82
37	Cash	123392	06/07/2010	2,754.62	2,632.50	122.12	0.00	1,194.20
38	Bill	124974	06/11/2010	0.00	2,600.00	51.27	41.32	3,886.79
39	Cash	124114	06/28/2010	1,194.20	1,173.50	20.70	0.00	2,692.59
40	Bill	125608	07/15/2010	0.00	2,405.00	495.74	0.00	5,593.33
41	Cash	124974	08/04/2010	2,651.27	2,600.00	51.27	0.00	2,942.06
42	Cash	125608	08/04/2010	249.47	0.00	249.47	0.00	2,692.59
43	Cash	125608	08/04/2010	2,651.27	2,405.00	246.27	0.00	41.32
44	Adj	124974	08/11/2010	0.00	0.00	0.00	-41.32	0.00
45	Bill	126852	08/13/2010	0.00	877.50	4.96	0.00	882.46
46	Bill	127133	09/13/2010	0.00	130.00	49.44	0.00	1,061.90
47	Cash	126852	09/30/2010	882.46	877.50	4.96	0.00	179.44
48	Bill	128317	10/14/2010	0.00	9,753.00	481.52	0.00	10,413.96
49	Cash	127133	11/01/2010	179.44	130.00	49.44	0.00	10,234.52
50	Cash	128317	11/01/2010	10,234.52	9,753.00	481.52	0.00	0.00
51	Bill	128728	11/11/2010	0.00	11,358.50	199.30	0.00	11,557.80
52	Bill	129453	12/10/2010	0.00	18,688.50	1,331.36	0.00	31,577.66
53	Bill	130554	01/17/2011	0.00	4,830.00	90.52	473.66	36,971.84
54	Cash	128728	02/02/2011	11,557.80	11,358.50	199.30	0.00	25,414.04

Inquiry: General - Ledger History  
Client: 13292 - TURKISH AMERICAN LEGAL DEFENSE  
Matter: 24 - Schmidt v. Krikorian

User: DWR

	Comment
1	From bill #112858
2	From bill #114023
3	From bill #114189
4	TURKISH AMERICAN LEGAL DEFENSE
5	TURKISH AMERICAN LEGAL DEFENSE
6	From bill #114895
7	From bill #115628
8	From bill #117002
9	TURKISH AMERICAN LEGAL DEFENSE
10	TURKISH AMERICAN LEGAL DEFENSE
11	TURKISH AMERICAN LEGAL DEFENSE
12	From bill #117109
13	From bill #117933
14	TURKISH AMERICAN LEGAL DEFENSE
15	TURKISH AMERICAN LEGAL DEFENSE
16	TURKISH AMERICAN LEGAL DEFENSE
17	From bill #118573
18	From bill #119254
19	From bill #120366
20	From bill #120855
21	TURKISH AMERICAN LEGAL DEFENSE
22	TURKISH AMERICAN LEGAL DEFENSE
23	TURKISH AMERICAN LEGAL DEFENSE
24	TURKISH AMERICAN LEGAL DEFENSE
25	TURKISH AMERICAN LEGAL DEFENSE
26	TURKISH AMERICAN LEGAL DEFENSE
27	TURKISH AMERICAN LEGAL DEFENSE
28	TURKISH AMERICAN LEGAL DEFENSE
29	From bill #121316
30	From bill #121986
31	From bill #122678
32	TURKISH AMERICAN LEGAL DEFENSE
33	TURKISH AMERICAN LEGAL DEFENSE
34	TURKISH AMERICAN LEGAL DEFENSE
35	From bill #123392
36	From bill #124114
37	TURKISH AMERICAN LEGAL DEFENSE
38	From bill #124974
39	TURKISH AMERICAN LEGAL DEFENSE
40	From bill #125608
41	TURKISH AMERICAN LEGAL DEFENSE
42	TURKISH AMERICAN LEGAL DEFENSE
43	TURKISH AMERICAN LEGAL DEFENSE
44	W/O INTEREST
45	From bill #126852
46	From bill #127133
47	TURKISH AMERICAN LEGAL DEFENSE
48	From bill #128317
49	TURKISH AMERICAN LEGAL DEFENSE
50	TURKISH AMERICAN LEGAL DEFENSE
51	From bill #128728
52	From bill #129453
53	From bill #130554
54	TURKISH AMERICAN LEGAL DEFENSE

**CHESTER WILLCOX & SAXBE L.L.P.**

*Attorneys and Counselors at Law*

Telephone 614/ [REDACTED]

65 East State Street Suite 1000, Columbus, Ohio 43215-4213

Fax 614/221-4012

January 15, 2009

Billing 12/31/2008

Invoice# 112858 DCB

Our File 13292 00024

TURKISH AMERICAN LEGAL DEFENSE FUND  
C/O BRUCE FEIN  
RESIDENT SCHOLAR  
1025 CONNECTICUR AVE., N.W., SUITE 1000  
WASHINGTON, DC 20036

Schmidt v. Krikorian

<b>BALANCE FORWARD</b>	\$0.00
Payments received since last invoice	(0.00)
<b>PAST DUE BALANCE (Disregard if Paid)</b>	<u>\$0.00</u>
Total Fees	915.00
<b>TOTAL NEW CHARGES</b>	<u>\$915.00</u>
<b>TOTAL BALANCE DUE ON ACCOUNT</b>	<u><u>\$915.00</u></u>

**DUE UPON RECEIPT**

**LATE PAYMENT FEE (1.5% PER MONTH) CHARGED ON ALL UNPAID BALANCES  
OVER 30 DAYS FROM DATE OF INVOICE.**

**RETURN THIS PAGE WITH PAYMENT**

DCB\_OCE - 0010

11-6574\_0076

**CHESTER WILLCOX & SAXBE L.L.P.**

*Attorneys and Counselors at Law*

Telephone 614-██████████ 65 East State Street Suite 1000, Columbus, Ohio 43215-4213

F.E.I. No. 31-4422499

January 15, 2009

Billed through 12/31/2008

Invoice Number 112858

Our file# 13292 00024

TURKISH AMERICAN LEGAL DEFENSE FUND  
C/O BRUCE FEIN  
RESIDENT SCHOLAR  
1025 CONNECTICUR AVE., N.W., SUITE 1000  
WASHINGTON, DC 20036

**REDACTED**

Schmidt v. Krikorian

Balance forward as of invoice	January 1, 1900	\$0.00
Payments received since last invoice		(0.00)
<b>Past Due Balance (Disregard if Paid)</b>		<u>\$0.00</u>

**SUMMARY OF BILLED AMOUNTS**

DCB	BREY, DONALD C.	<u>3.00</u> hrs	305.00 /hr	<u>\$915.00</u>
		3.00 hrs		\$915.00

TOTAL PROFESSIONAL SERVICES	915.00
TOTAL OF NEW CHARGES FOR THIS INVOICE	<u>\$915.00</u>
TOTAL BALANCE DUE ON ACCOUNT	<u><u>\$915.00</u></u>

**CHESTER WILLCOX & SAXBE L.L.P.**

*Attorneys and Counselors at Law*

Telephone 614/ [REDACTED]

65 East State Street Suite 1000, Columbus, Ohio 43215-4213

Fax 614/221-4012

February 13, 2009

Billing 01/31/2009

Invoice# 114023 DCB

Our File 13292 00024

TURKISH AMERICAN LEGAL DEFENSE FUND  
C/O BRUCE FEIN  
RESIDENT SCHOLAR  
1025 CONNECTICUR AVE., N.W., SUITE 1000  
WASHINGTON, DC 20036

Schmidt v. Krikorian

<b>BALANCE FORWARD</b>	\$915.00
Payments received since last invoice	(0.00)
<b>PAST DUE BALANCE (Disregard if Paid)</b>	<u>\$915.00</u>
<b>TOTAL BALANCE DUE ON ACCOUNT</b>	<u>\$915.00</u>

**DUE UPON RECEIPT**

**LATE PAYMENT FEE (1.5% PER MONTH) CHARGED ON ALL UNPAID BALANCES  
OVER 30 DAYS FROM DATE OF INVOICE.**

**RETURN THIS PAGE WITH PAYMENT**

DCB\_OCE - 0012

11-6574\_0078

**CHESTER WILLCOX & SAXBE L.L.P.**

*Attorneys and Counselors at Law*

Telephone 614 [REDACTED] 65 East State Street Suite 1000, Columbus, Ohio 43215-4213

F.E.I. No. 31-4422499

February 13, 2009

Billed through 01/31/2009

Invoice Number 114023

Our file# 13292 - 00024

TURKISH AMERICAN LEGAL DEFENSE FUND  
C/O BRUCE FEIN  
RESIDENT SCHOLAR  
1025 CONNECTICUR AVE., N.W., SUITE 1000  
WASHINGTON, DC 20036

Schmidt v. Krikorian

Balance forward as of invoice	January 15, 2009	\$915.00
Payments received since last invoice		(0.00)
<b>Past Due Balance (Disregard if Paid)</b>		<u>\$915.00</u>

<b>TOTAL OF NEW CHARGES FOR THIS INVOICE</b>	<u>\$0.00</u>
<b>PLUS PAST DUE BALANCE (Disregard if Paid)</b>	<u>\$915.00</u>
<b>TOTAL BALANCE DUE ON ACCOUNT</b>	<u><u>\$915.00</u></u>

EFFECTIVE JANUARY 1, 2009, THE FIRM  
INCREASED THE PRICE OF PHOTOCOPIES  
FROM \$.15 TO \$.18. THIS PRICE CAPTURES  
ONLY OUR ACTUAL COST AND APPLIES TO  
BLACK AND WHITE AND COLOR COPIES.

**CHESTER WILLCOX & SAXBE L.L.P.**

*Attorneys and Counselors at Law*

Telephone 614/ [REDACTED]

65 East State Street Suite 1000, Columbus, Ohio 43215-4213

Fax 614/221-4012

March 17, 2009

Billing 02/28/2009

Invoice# 114189 DCB

Our File 13292 00024

TURKISH AMERICAN LEGAL DEFENSE FUND  
C/O BRUCE FEIN  
RESIDENT SCHOLAR  
1025 CONNECTICUR AVE., N.W., SUITE 1000  
WASHINGTON, DC 20036

Schmidt v. Krikorian

<b>BALANCE FORWARD</b>	\$915.00
Payments received since last invoice	(0.00)
<b>PAST DUE BALANCE (Disregard if Paid)</b>	<u>\$915.00</u>
Total Fees	65.00
<b>TOTAL NEW CHARGES</b>	<u>\$65.00</u>
<b>TOTAL BALANCE DUE ON ACCOUNT</b>	<u><u>\$980.00</u></u>

DUE UPON RECEIPT

LATE PAYMENT FEE (1.5% PER MONTH) CHARGED ON ALL UNPAID BALANCES  
OVER 30 DAYS FROM DATE OF INVOICE.

RETURN THIS PAGE WITH PAYMENT

DCB\_OCE - 0014

11-6574\_0080

**CHESTER WILLCOX & SAXBE L.L.P.**

*Attorneys and Counselors at Law*

Telephone 614/ [REDACTED] 65 East State Street Suite 1000, Columbus, Ohio 43215-4213

F.B.I. No. 31-4422499

March 17, 2009

Billed through 02/28/2009

Invoice Number 114189

Our file# 13292 00024

TURKISH AMERICAN LEGAL DEFENSE FUND  
C/O BRUCE FEIN  
RESIDENT SCHOLAR  
1025 CONNECTICUR AVE., N.W., SUITE 1000  
WASHINGTON, DC 20036

**REDACTED**

Schmidt v. Krikorian

Balance forward as of invoice	February 13, 2009	\$915.00
Payments received since last invoice		(0.00)
<b>Past Due Balance (Disregard if Paid)</b>		<b>\$915.00</b>

**SUMMARY OF BILLED AMOUNTS**

DCB	BREY, DONALD C.	0.20 hrs	325.00 /hr	\$65.00
		0.20 hrs		\$65.00

TOTAL PROFESSIONAL SERVICES	65.00
TOTAL OF NEW CHARGES FOR THIS INVOICE	\$65.00
PLUS PAST DUE BALANCE (Disregard if Paid)	\$915.00
<b>TOTAL BALANCE DUE ON ACCOUNT</b>	<b>\$980.00</b>

**CHESTER WILLCOX & SAXBE L.L.P.**

*Attorneys and Counselors at Law*

Telephone 614/ [REDACTED]

65 East State Street Suite 1000, Columbus, Ohio 43215-4213

Fax 614/221-4012

April 13, 2009

Billing 03/31/2009

Invoice# 114895 DCB

Our File 13292 00024

TURKISH AMERICAN LEGAL DEFENSE FUND  
C/O BRUCE FEIN  
RESIDENT SCHOLAR  
1025 CONNECTICUR AVE., N.W., SUITE 1000  
WASHINGTON, DC 20036

Schmidt v. Krikorian

<b>BALANCE FORWARD</b>	\$980.00
Payments received since last invoice	(0.00)
<b>PAST DUE BALANCE (Disregard if Paid)</b>	<u>\$980.00</u>
Total Fees	1,170.00
Late Payment Charge	13.73
<b>TOTAL NEW CHARGES</b>	<u>\$1,183.73</u>
<b>TOTAL BALANCE DUE ON ACCOUNT</b>	<u><u>\$2,163.73</u></u>

DUE UPON RECEIPT

LATE PAYMENT FEE (1.5% PER MONTH) CHARGED ON ALL UNPAID BALANCES  
OVER 30 DAYS FROM DATE OF INVOICE.

RETURN THIS PAGE WITH PAYMENT

DCB\_OCE - 0016

11-6574\_0082

**CHESTER WILLCOX & SAXBE L.L.P.**

*Attorneys and Counselors at Law*

Telephone 614/ [REDACTED] 65 East State Street Suite 1000, Columbus, Ohio 43215-4213

F.E.I. No. 31-4422499

April 13, 2009

Billed through 03/31/2009

Invoice Number 114895

Our file# 13292 00024

TURKISH AMERICAN LEGAL DEFENSE FUND  
C/O BRUCE FEIN  
RESIDENT SCHOLAR  
1025 CONNECTICUT AVE., N.W., SUITE 1000  
WASHINGTON, DC 20036

**REDACTED**

Schmidt v. Krikorian

Balance forward as of invoice	March 17, 2009	\$980.00
Payments received since last invoice		(0.00)
<b>Past Due Balance (Disregard if Paid)</b>		<hr/> <b>\$980.00</b>

**SUMMARY OF BILLED AMOUNTS**

DCB	BREY, DONALD C.	<u>3.60</u> hrs	325.00 /hr	<u>\$1,170.00</u>
		3.60 hrs		\$1,170.00

TOTAL PROFESSIONAL SERVICES	1,170.00
LATE PAYMENT CHARGE ON PAST DUE BALANCE	13.73
TOTAL OF NEW CHARGES FOR THIS INVOICE	<u>\$1,183.73</u>
PLUS PAST DUE BALANCE (Disregard if Paid)	\$980.00
TOTAL BALANCE DUE ON ACCOUNT	<u><u>\$2,163.73</u></u>

**CHESTER WILLCOX & SAXBE L.L.P.**

*Attorneys and Counselors at Law*

Telephone 614/ [REDACTED]

65 East State Street Suite 1000, Columbus, Ohio 43215-4213

Fax 614/221-4012

May 15, 2009

Billing 04/30/2009

Invoice# 115628 DCB

Our File 13292 00024

TURKISH AMERICAN LEGAL DEFENSE FUND  
C/O BRUCE FEIN  
RESIDENT SCHOLAR  
1025 CONNECTICUR AVE., N.W., SUITE 1000  
WASHINGTON, DC 20036

Schmidt v. Krikorian

<b>BALANCE FORWARD</b>	\$1,183.73
Payments received since last invoice	(0.00)
<b>PAST DUE BALANCE (Disregard if Paid)</b>	<u>\$1,183.73</u>
Total Fees	1,852.50
Total Expenses	38.34
<b>TOTAL NEW CHARGES</b>	<u>\$1,890.84</u>
<b>TOTAL BALANCE DUE ON ACCOUNT</b>	<u><u>\$3,074.57</u></u>

**DUE UPON RECEIPT**

**LATE PAYMENT FEE (1.5% PER MONTH) CHARGED ON ALL UNPAID BALANCES  
OVER 30 DAYS FROM DATE OF INVOICE.**

**RETURN THIS PAGE WITH PAYMENT**

DCB\_OCE - 0019

11-6574\_0085

**CHESTER WILLCOX & SAXBE L.L.P.**

*Attorneys and Counselors at Law*

Telephone 614/ [REDACTED] 65 East State Street Suite 1000, Columbus, Ohio 43215-4213

F.B.I. No. 31-4422499

May 15, 2009  
Billed through 04/30/2009  
Invoice Number 115628  
Our file# 13292 00024

TURKISH AMERICAN LEGAL DEFENSE FUND  
C/O BRUCE FEIN  
RESIDENT SCHOLAR  
1025 CONNECTICUR AVE., N.W., SUITE 1000  
WASHINGTON, DC 20036

***REDACTED***

Schmidt v. Krikorian

Balance forward as of invoice	April 13, 2009	\$1,183.73
Payments received since last invoice		(0.00)
<b>Past Due Balance (Disregard if Paid)</b>		<hr/> <b>\$1,183.73</b>

**EXPENSES**

04/30/2009	PHOTOCOPY SERVICE @ \$.18	38.34
	<b>TOTAL DISBURSEMENTS</b>	<hr/> <b>\$38.34</b>

DCB\_OCE - 0020

11-6574\_0086

13292 00024

Invoice# 115628

Page 2

**SUMMARY OF BILLED AMOUNTS**

DCB	BREY, DONALD C.	<u>5.70</u> hrs	325.00 /hr	<u>\$1,852.50</u>
		5.70 hrs		\$1,852.50

TOTAL PROFESSIONAL SERVICES	1,852.50
TOTAL EXPENSES INCURRED	38.34
TOTAL OF NEW CHARGES FOR THIS INVOICE	<u>\$1,890.84</u>
PLUS PAST DUE BALANCE (Disregard if Paid)	<u>\$1,183.73</u>
TOTAL BALANCE DUE ON ACCOUNT	<u><u>\$3,074.57</u></u>

**CHESTER WILLCOX & SAXBE L.L.P.**

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65 East State Street Suite 1000, Columbus, Ohio 43215-4213

Fax 614/221-4012

June 15, 2009

Billing 05/31/2009

Invoice# 117002 DCB

Our File 13292 00024

TURKISH AMERICAN LEGAL DEFENSE FUND  
C/O BRUCE FEIN  
RESIDENT SCHOLAR  
1025 CONNECTICUR AVE., N.W., SUITE 1000  
WASHINGTON, DC 20036

Schmidt v. Krikorian

<b>BALANCE FORWARD</b>	\$3,074.57
Payments received since last invoice	(0.00)
<b>PAST DUE BALANCE (Disregard if Paid)</b>	<u>\$3,074.57</u>
Total Fees	5,720.00
Total Expenses	4.50
Late Payment Charge	17.55
<b>TOTAL NEW CHARGES</b>	<u>\$5,742.05</u>
<b>TOTAL BALANCE DUE ON ACCOUNT</b>	<u>\$8,816.62</u>

DUE UPON RECEIPT

LATE PAYMENT FEE (1.5% PER MONTH) CHARGED ON ALL UNPAID BALANCES  
OVER 30 DAYS FROM DATE OF INVOICE.

RETURN THIS PAGE WITH PAYMENT

DCB\_OCE - 0022

11-6574\_0088

**CHESTER WILLCOX & SAXBE L.L.P.**

*Attorneys and Counselors at Law*

Telephone 614 [REDACTED]

65 East State Street Suite 1000, Columbus, Ohio 43215-4213

F.E.I. No. 31-4422499

June 15, 2009

Billed through 05/31/2009

Invoice Number 117002

Our file# 13292 00024

TURKISH AMERICAN LEGAL DEFENSE FUND  
C/O BRUCE FEIN  
RESIDENT SCHOLAR  
1025 CONNECTICUT AVE., N.W., SUITE 1000  
WASHINGTON, DC 20036

**REDACTED**

Schmidt v. Krikorian

Balance forward as of invoice	May 15, 2009	\$3,074.57
Payments received since last invoice		(0.00)
<b>Past Due Balance (Disregard if Paid)</b>		<hr/> <b>\$3,074.57</b>

**REDACTED**

**EXPENSES**

05/31/2009 PHOTOCOPY SERVICE @ \$.18 4.50

TOTAL DISBURSEMENTS \$4.50

**SUMMARY OF BILLED AMOUNTS**

DCB	BREY, DONALD C.	<u>17.60</u> hrs	325.00 /hr	<u>\$5,720.00</u>
		17.60 hrs		\$5,720.00

TOTAL PROFESSIONAL SERVICES	5,720.00
TOTAL EXPENSES INCURRED	4.50
LATE PAYMENT CHARGE ON PAST DUE BALANCE	17.55
<b>TOTAL OF NEW CHARGES FOR THIS INVOICE</b>	<u>\$5,742.05</u>
<b>PLUS PAST DUE BALANCE (Disregard if Paid)</b>	<u>\$3,074.57</u>
<b>TOTAL BALANCE DUE ON ACCOUNT</b>	<u><u>\$8,816.62</u></u>

**CHESTER WILLCOX & SAXBE L.L.P.**

*Attorneys and Counselors at Law*

Telephone 614/ [REDACTED]

65 East State Street Suite 1000, Columbus, Ohio 43215-4213

Fax 614/221-4012

July 15, 2009

Billing 06/30/2009

Invoice# 117109 DCB

Our File 13292 00024

TURKISH AMERICAN LEGAL DEFENSE FUND  
C/O BRUCE FEIN  
RESIDENT SCHOLAR  
1025 CONNECTICUR AVE., N.W., SUITE 1000  
WASHINGTON, DC 20036

Schmidt v. Krikorian

<b>BALANCE FORWARD</b>	\$8,816.62
Payments received since last invoice	(3,074.57)
<b>PAST DUE BALANCE (Disregard if Paid)</b>	<u>\$5,742.05</u>
Total Fees	5,070.00
Total Expenses	106.52
<b>TOTAL NEW CHARGES</b>	<u>\$5,176.52</u>
<b>TOTAL BALANCE DUE ON ACCOUNT</b>	<u><u>\$10,918.57</u></u>

DUE UPON RECEIPT

LATE PAYMENT FEE (1.5% PER MONTH) CHARGED ON ALL UNPAID BALANCES  
OVER 30 DAYS FROM DATE OF INVOICE.

RETURN THIS PAGE WITH PAYMENT

DCB\_OCE - 0025

11-6574\_0091

**CHESTER WILLCOX & SAXBE L.L.P.**

*Attorneys and Counselors at Law*

Telephone 614 [REDACTED]

65 East State Street Suite 1000, Columbus, Ohio 43215-4213

F.E.I. No. 31-4422499

July 15, 2009

Billed through 06/30/2009

Invoice Number 117109

Our file# 13292 00024

TURKISH AMERICAN LEGAL DEFENSE FUND  
C/O BRUCE FEIN  
RESIDENT SCHOLAR  
1025 CONNECTICUR AVE., N.W., SUITE 1000  
WASHINGTON, DC 20036

***REDACTED***

Schmidt v. Krikorian

Balance forward as of invoice	June 15, 2009	\$8,816.62
Payments received since last invoice		(3,074.57)
<b>Past Due Balance (Disregard if Paid)</b>		<b><u>\$5,742.05</u></b>

**REDACTED**

**EXPENSES**

06/30/2009 DELIVERY CHARGE	14.00
06/30/2009 PHOTOCOPY SERVICE @ \$.18	92.52
<b>TOTAL DISBURSEMENTS</b>	<u>\$106.52</u>

**SUMMARY OF BILLED AMOUNTS**

DCB	BREY, DONALD C.	15.60 hrs	325.00 /hr	\$5,070.00
		<u>15.60 hrs</u>		<u>\$5,070.00</u>

TOTAL PROFESSIONAL SERVICES	5,070.00
TOTAL EXPENSES INCURRED	106.52
<b>TOTAL OF NEW CHARGES FOR THIS INVOICE</b>	<u>\$5,176.52</u>
<b>PLUS PAST DUE BALANCE (Disregard if Paid)</b>	<u>\$5,742.05</u>
<b>TOTAL BALANCE DUE ON ACCOUNT</b>	<u><u>\$10,918.57</u></u>

# CHESTER WILLCOX & SAXBE

ATTORNEYS & COUNSELORS AT LAW

Telephone 614/ [REDACTED] 65 East State Street Suite 1000, Columbus, Ohio 43215-4213 Fax 614/221-4012

August 14, 2009

Billing 07/31/2009  
Invoice# 117933 DCB  
Our File # 13292 00024

TURKISH AMERICAN LEGAL DEFENSE FUND  
C/O BRUCE FEIN  
RESIDENT SCHOLAR  
1025 CONNECTICUT AVE., N.W., SUITE 1000  
WASHINGTON, DC 20036

Schmidt v. Krikorian

<b>BALANCE FORWARD</b>	\$10,918.57
Payments received since last invoice	(0.00)
<b>PAST DUE BALANCE (Disregard if Paid)</b>	<u>\$10,918.57</u>
Total Fees	20,835.50
Total Expenses	3,431.99
Late Payment Charge	85.66
<b>TOTAL NEW CHARGES</b>	<u>\$24,353.15</u>
<b>TOTAL BALANCE DUE ON ACCOUNT</b>	<u>\$35,271.72</u>

DUE UPON RECEIPT

LATE PAYMENT FEE (1.5% PER MONTH) CHARGED ON ALL UNPAID BALANCES  
OVER 30 DAYS FROM DATE OF INVOICE.

RETURN THIS PAGE WITH PAYMENT

DCB\_OCE - 0028

11-6574\_0094

# CHESTER WILLCOX & SAXBE

ATTORNEYS & COUNSELORS AT LAW

PH. (614) [REDACTED]

65 East State Street Suite 1000, Columbus, Ohio 43215-4213

FIN 31-4422499

August 14, 2009

Billed through 07/31/2009

Invoice Number 117933

Our file# 13292 00024

TURKISH AMERICAN LEGAL DEFENSE FUND  
C/O BRUCE FEIN  
RESIDENT SCHOLAR  
1025 CONNECTICUT AVE., N.W., SUITE 1000  
WASHINGTON, DC 20036

**REDACTED**

Schmidt v. Krikorian

Balance forward as of invoice July 15, 2009	\$10,918.57
Payments received since last invoice	(0.00)
<b>Past Due Balance (Disregard if Paid)</b>	<b>\$10,918.57</b>

13292 00024

Invoice# 117933

Page 2

***REDACTED***

DCB\_OCE - 0030

11-6574\_0096

**REDACTED****EXPENSES**

07/31/2009 MILEAGE	268.40
07/31/2009 PHOTOCOPY SERVICE @ \$.18	198.54
07/31/2009 TRANSCRIPT	2,965.05
<b>TOTAL DISBURSEMENTS</b>	<b>\$3,431.99</b>

**SUMMARY OF BILLED AMOUNTS**

DCB	BREY, DONALD C.	61.70 hrs	325.00 /hr	\$20,052.50
MEL	LEWIS, MARY E. - Law Clerk	8.70 hrs	90.00 /hr	\$783.00
		<u>70.40 hrs</u>		<u>\$20,835.50</u>

TOTAL PROFESSIONAL SERVICES	20,835.50
TOTAL EXPENSES INCURRED	3,431.99
LATE PAYMENT CHARGE ON PAST DUE BALANCE	85.66
<b>TOTAL OF NEW CHARGES FOR THIS INVOICE</b>	<b>\$24,353.15</b>
<b>PLUS PAST DUE BALANCE (Disregard if Paid)</b>	<b>\$10,918.57</b>
<b>TOTAL BALANCE DUE ON ACCOUNT</b>	<b>\$35,271.72</b>

# CHESTER WILLCOX & SAXBE

ATTORNEYS & COUNSELORS AT LAW

Telephone 614/ [REDACTED] 65 East State Street Suite 1000, Columbus, Ohio 43215-4213 Fax 614/221-4012

September 10, 2009

Billing 08/31/2009  
Invoice# 118573 DCB  
Our File # 13292 00024

TURKISH AMERICAN LEGAL DEFENSE FUND  
C/O BRUCE FEIN  
RESIDENT SCHOLAR  
1025 CONNECTICUT AVE., N.W., SUITE 1000  
WASHINGTON, DC 20036

Schmidt v. Krikorian

<b>BALANCE FORWARD</b>	\$35,271.72
Payments received since last invoice	(10,918.57)
<b>PAST DUE BALANCE (Disregard if Paid)</b>	<u>\$24,353.15</u>
Total Fees	36,867.00
Total Expenses	1,345.01
Late Payment Charge	51.01
<b>TOTAL NEW CHARGES</b>	<u>\$38,263.02</u>
<b>TOTAL BALANCE DUE ON ACCOUNT</b>	<u>\$62,616.17</u>

DUE UPON RECEIPT

LATE PAYMENT FEE (1.5% PER MONTH) CHARGED ON ALL UNPAID BALANCES  
OVER 30 DAYS FROM DATE OF INVOICE.

RETURN THIS PAGE WITH PAYMENT

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11-6574\_0098

# CHESTER WILLCOX & SAXBE

ATTORNEYS & COUNSELORS AT LAW

PH. (614) [REDACTED]

65 East State Street Suite 1000, Columbus, Ohio 43215-4213

FIN 31-4422499

September 10, 2009

Billed through 08/31/2009

Invoice Number 118573

Our file# 13292 00024

TURKISH AMERICAN LEGAL DEFENSE FUND  
C/O BRUCE FEIN  
RESIDENT SCHOLAR  
1025 CONNECTICUT AVE., N.W., SUITE 1000  
WASHINGTON, DC 20036

**REDACTED**

Schmidt v. Krikorian

Balance forward as of invoice August 14, 2009	\$35,271.72
Payments received since last invoice	(10,918.57)
<b>Past Due Balance (Disregard if Paid)</b>	<b>\$24,353.15</b>

DCB\_OCE - 0033

11-6574\_0099

13292 00024

Invoice# 118573

Page 2

**REDACTED**

DCB\_OCE - 0034

11-6574\_0100

13292 00024

Invoice# 118573

Page 3

***REDACTED***

DCB\_OCE - 0035

11-6574\_0101

**REDACTED****EXPENSES**

08/31/2009	HOTEL/MEALS WHILE TRAVELING	368.79
08/31/2009	MILEAGE	145.20
08/31/2009	PHOTOCOPY SERVICE @ \$.18	809.10
08/31/2009	WESTLAW RESEARCH	21.92
	<b>TOTAL DISBURSEMENTS</b>	<b>\$1,345.01</b>

**SUMMARY OF BILLED AMOUNTS**

DCB	BREY, DONALD C.	107.90 hrs	325.00 /hr	\$35,067.50
EJW	WATTERS, ELIZABETH J.	6.10 hrs	295.00 /hr	\$1,799.50
		<u>114.00 hrs</u>		<u>\$36,867.00</u>

TOTAL PROFESSIONAL SERVICES	36,867.00
TOTAL EXPENSES INCURRED	1,345.01
LATE PAYMENT CHARGE ON PAST DUE BALANCE	51.01
<b>TOTAL OF NEW CHARGES FOR THIS INVOICE</b>	<b>\$38,263.02</b>
<b>PLUS PAST DUE BALANCE (Disregard if Paid)</b>	<b>\$24,353.15</b>
<b>TOTAL BALANCE DUE ON ACCOUNT</b>	<b>\$62,616.17</b>

# CHESTER WILLCOX & SAXBE

ATTORNEYS & COUNSELORS AT LAW

Telephone 614/ [REDACTED] 65 East State Street Suite 1000, Columbus, Ohio 43215-4213 Fax 614/ 221-4012

October 15, 2009

Billing 09/30/2009  
Invoice# 119254 DCB  
Our File # 13292 00024

TURKISH AMERICAN LEGAL DEFENSE FUND  
C/O BRUCE FEIN  
RESIDENT SCHOLAR  
1025 CONNECTICUT AVE., N.W., SUITE 1000  
WASHINGTON, DC 20036

Schmidt v. Krikorian

<b>BALANCE FORWARD</b>	\$62,616.17
Payments received since last invoice	(0.00)
<b>PAST DUE BALANCE (Disregard if Paid)</b>	<u>\$62,616.17</u>
Total Fees	30,132.50
Total Expenses	4,038.59
Late Payment Charge	363.54
<b>TOTAL NEW CHARGES</b>	<u>\$34,534.63</u>
<b>TOTAL BALANCE DUE ON ACCOUNT</b>	<u>\$97,150.80</u>

DUE UPON RECEIPT

LATE PAYMENT FEE (1.5% PER MONTH) CHARGED ON ALL UNPAID BALANCES  
OVER 30 DAYS FROM DATE OF INVOICE.

RETURN THIS PAGE WITH PAYMENT

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11-6574\_0103

# CHESTER WILLCOX & SAXBE

ATTORNEYS & COUNSELORS AT LAW

PH. (614) [REDACTED]

65 East State Street Suite 1000, Columbus, Ohio 43215-4213

FIN 31-4422499

October 15, 2009

Billed through 09/30/2009

Invoice Number 119254

Our file# 13292 00024

TURKISH AMERICAN LEGAL DEFENSE FUND  
C/O BRUCE FEIN  
RESIDENT SCHOLAR  
1025 CONNECTICUT AVE., N.W., SUITE 1000  
WASHINGTON, DC 20036

**REDACTED**

Schmidt v. Krikorian

Balance forward as of invoice	September 10, 2009	\$62,616.17
Payments received since last invoice		(0.00)
<b>Past Due Balance (Disregard if Paid)</b>		<b>\$62,616.17</b>

13292 00024

Invoice# 119254

Page 2

***REDACTED***

DCB\_OCE - 0039

11-6574\_0105

**REDACTED**

**EXPENSES**

09/30/2009	HOTEL/MEALS WHILE TRAVELING	1,291.17
09/30/2009	PHOTOCOPY SERVICE @ \$.18	1,216.80
09/30/2009	TRANSCRIPT	1,366.55
09/30/2009	WESTLAW RESEARCH	164.07
	TOTAL DISBURSEMENTS	<hr/> \$4,038.59

**SUMMARY OF BILLED AMOUNTS**

DCB	BREY, DONALD C.	66.20	hrs	325.00	/hr	\$21,515.00
EJW	WATTERS, ELIZABETH J.	11.50	hrs	295.00	/hr	\$3,392.50
DAS	SCOTT, DEBORAH A.	27.50	hrs	190.00	/hr	\$5,225.00
		<u>105.20</u>	hrs			<u>\$30,132.50</u>

TOTAL PROFESSIONAL SERVICES	30,132.50
TOTAL EXPENSES INCURRED	4,038.59
LATE PAYMENT CHARGE ON PAST DUE BALANCE	363.54
<b>TOTAL OF NEW CHARGES FOR THIS INVOICE</b>	<u><b>\$34,534.63</b></u>
<b>PLUS PAST DUE BALANCE (Disregard if Paid)</b>	<u><b>\$62,616.17</b></u>
<b>TOTAL BALANCE DUE ON ACCOUNT</b>	<u><u><b>\$97,150.80</b></u></u>

# CHESTER WILLCOX & SAXBE

ATTORNEYS & COUNSELORS AT LAW

Telephone 614/ [REDACTED] 65 East State Street Suite 1000, Columbus, Ohio 43215-4213 Fax 614/ 221-4012

November 13, 2009

Billing 10/31/2009  
Invoice# 120356 DCB  
Our File # 13292 00024

TURKISH AMERICAN LEGAL DEFENSE FUND  
C/O BRUCE FEIN  
RESIDENT SCHOLAR  
1025 CONNECTICUT AVE., N.W., SUITE 1000  
WASHINGTON, DC 20036

Schmidt v. Krikorian

<b>BALANCE FORWARD</b>	\$97,150.80
Payments received since last invoice	(0.00)
<b>PAST DUE BALANCE (Disregard if Paid)</b>	<u>\$97,150.80</u>
Total Fees	5,315.50
Total Expenses	5,388.81
Late Payment Charge	936.72
<b>TOTAL NEW CHARGES</b>	<u>\$11,641.03</u>
<b>TOTAL BALANCE DUE ON ACCOUNT</b>	<u>\$108,791.83</u>

DUE UPON RECEIPT

LATE PAYMENT FEE (1.5% PER MONTH) CHARGED ON ALL UNPAID BALANCES  
OVER 30 DAYS FROM DATE OF INVOICE.

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11-6574\_0108

# CHESTER WILLCOX & SAXBE

ATTORNEYS & COUNSELORS AT LAW

PH. (614) [REDACTED]

65 East State Street Suite 1000, Columbus, Ohio 43215-4213

FIN 31-4422499

November 13, 2009

Billed through 10/31/2009

Invoice Number 120356

Our file# 13292 00024

TURKISH AMERICAN LEGAL DEFENSE FUND  
C/O BRUCE FEIN  
RESIDENT SCHOLAR  
1025 CONNECTICUT AVE., N.W., SUITE 1000  
WASHINGTON, DC 20036

**REDACTED**

Schmidt v. Krikorian

Balance forward as of invoice	October 15, 2009	\$97,150.80
Payments received since last invoice		(0.00)
<b>Past Due Balance (Disregard if Paid)</b>		<b>\$97,150.80</b>

DCB\_OCE - 0043

11-6574\_0109

**EXPENSES**

**REDACTED**

10/31/2009 MEALS	46.60
10/31/2009 OVERNIGHT DELIVERY	64.28
10/31/2009 PHOTOCOPY SERVICE @ \$.18	14.58
10/31/2009 TRANSCRIPT	4,632.40
10/31/2009 WESTLAW RESEARCH	630.95

TOTAL DISBURSEMENTS	\$5,388.81
---------------------	------------

**SUMMARY OF BILLED AMOUNTS**

DCB	BREY, DONALD C.	15.80 hrs	325.00 /hr	\$5,135.00
EJW	WATTERS, ELIZABETH J.	0.40 hrs	295.00 /hr	\$118.00
DEA	ABBOTT, DIANE E. - Paralegal	0.50 hrs	125.00 /hr	\$62.50
		16.70 hrs		\$5,315.50

TOTAL PROFESSIONAL SERVICES	5,315.50
TOTAL EXPENSES INCURRED	5,388.81
LATE PAYMENT CHARGE ON PAST DUE BALANCE	936.72
<b>TOTAL OF NEW CHARGES FOR THIS INVOICE</b>	<b>\$11,641.03</b>
<b>PLUS PAST DUE BALANCE (Disregard if Paid)</b>	<b>\$97,150.80</b>
<b>TOTAL BALANCE DUE ON ACCOUNT</b>	<b>\$108,791.83</b>

# CHESTER WILLCOX & SAXBE

ATTORNEYS & COUNSELORS AT LAW

Telephone 614/ [REDACTED] 65 East State Street Suite 1000, Columbus, Ohio 43215-4213 Fax 614/ 221-4012

December 11, 2009

Billing 11/30/2009  
Invoice# 120855 DCB  
Our File # 13292 00024

TURKISH AMERICAN LEGAL DEFENSE FUND  
C/O BRUCE FEIN  
RESIDENT SCHOLAR  
1025 CONNECTICUT AVE., N.W., SUITE 1000  
WASHINGTON, DC 20036

Schmidt v. Krikorian

<b>BALANCE FORWARD</b>	\$108,791.83
Payments received since last invoice	(0.00)
<b>PAST DUE BALANCE (Disregard if Paid)</b>	<u>\$108,791.83</u>
Total Fees	910.00
Total Expenses	1,199.89
Late Payment Charge	1,449.29
<b>TOTAL NEW CHARGES</b>	<u>\$3,559.18</u>
<b>TOTAL BALANCE DUE ON ACCOUNT</b>	<u>\$112,351.01</u>

DUE UPON RECEIPT

LATE PAYMENT FEE (1.5% PER MONTH) CHARGED ON ALL UNPAID BALANCES  
OVER 30 DAYS FROM DATE OF INVOICE.

PLEASE RETURN THIS PAGE WITH PAYMENT

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11-6574\_0111

# CHESTER WILLCOX & SAXBE

ATTORNEYS & COUNSELORS AT LAW

PH. (614) [REDACTED]

65 East State Street Suite 1000, Columbus, Ohio 43215-4213

FIN 31-4422499

December 11, 2009

Billed through 11/30/2009

Invoice Number 120855

Our file# 13292 00024

TURKISH AMERICAN LEGAL DEFENSE FUND  
C/O BRUCE FEIN  
RESIDENT SCHOLAR  
1025 CONNECTICUT AVE., N.W., SUITE 1000  
WASHINGTON, DC 20036

**REDACTED**

Schmidt v. Krikorian

Balance forward as of invoice	November 13, 2009	\$108,791.83
Payments received since last invoice		(0.00)
<b>Past Due Balance (Disregard if Paid)</b>		<b>\$108,791.83</b>

## EXPENSES

11/30/2009	OVERNIGHT DELIVERY	16.73
11/30/2009	PHOTOCOPY SERVICE @ \$.18	3.96
11/30/2009	TRANSCRIPT	1,179.20
	<b>TOTAL DISBURSEMENTS</b>	<b>\$1,199.89</b>

**SUMMARY OF BILLED AMOUNTS**

DCB	BREY, DONALD C.	<u>2.80 hrs</u>	325.00 /hr	<u>\$910.00</u>
		2.80 hrs		\$910.00

TOTAL PROFESSIONAL SERVICES	910.00
TOTAL EXPENSES INCURRED	1,199.89
LATE PAYMENT CHARGE ON PAST DUE BALANCE	1,449.29
<b>TOTAL OF NEW CHARGES FOR THIS INVOICE</b>	<u><b>\$3,559.18</b></u>
<b>PLUS PAST DUE BALANCE (Disregard if Paid)</b>	<u><b>\$108,791.83</b></u>
<b>TOTAL BALANCE DUE ON ACCOUNT</b>	<u><u><b>\$112,351.01</b></u></u>

# CHESTER WILLCOX & SAXBE

ATTORNEYS & COUNSELORS AT LAW

Telephone 614/ [REDACTED] 65 East State Street Suite 1000, Columbus, Ohio 43215-4213 Fax 614/ 221-4012

January 15, 2010

Billing 12/31/2009  
Invoice# 121316 DCB  
Our File # 13292 00024

TURKISH AMERICAN LEGAL DEFENSE FUND  
C/O BRUCE FEIN  
RESIDENT SCHOLAR  
1025 CONNECTICUT AVE., N.W., SUITE 1000  
WASHINGTON, DC 20036

Schmidt v. Krikorian

<b>BALANCE FORWARD</b>	\$112,351.01
Payments received since last invoice	(112,351.01)
<b>PAST DUE BALANCE (Disregard if Paid)</b>	<u>\$0.00</u>
Total Fees	1,202.50
Total Expenses	1.26
<b>TOTAL NEW CHARGES</b>	<u>\$1,203.76</u>
<b>TOTAL BALANCE DUE ON ACCOUNT</b>	<u>\$1,203.76</u>

DUE UPON RECEIPT

LATE PAYMENT FEE (1.5% PER MONTH) CHARGED ON ALL UNPAID BALANCES  
OVER 30 DAYS FROM DATE OF INVOICE.

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11-6574\_0114

# CHESTER WILLCOX & SAXBE

ATTORNEYS & COUNSELORS AT LAW

PH. (614) [REDACTED]

65 East State Street Suite 1000, Columbus, Ohio 43215-4213

FIN 31-4422499

January 15, 2010

Billed through 12/31/2009

Invoice Number 121316

Our file# 13292 00024

TURKISH AMERICAN LEGAL DEFENSE FUND  
C/O BRUCE FEIN  
RESIDENT SCHOLAR  
1025 CONNECTICUT AVE., N.W., SUITE 1000  
WASHINGTON, DC 20036

**REDACTED**

Schmidt v. Krikorian

Balance forward as of invoice	December 11, 2009	\$112,351.01
Payments received since last invoice		(112,351.01)
<b>Past Due Balance (Disregard if Paid)</b>		<u>\$0.00</u>

## EXPENSES

12/31/2009 PHOTOCOPY SERVICE @ \$.18

1.26

DCB\_OCE - 0049

11-6574\_0115

13292

00024

Invoice# 121316

Page 2

TOTAL DISBURSEMENTS

\$1.26

**SUMMARY OF BILLED AMOUNTS**

DCB BREY, DONALD C.

<u>3.70 hrs</u>	325.00 /hr	<u>\$1,202.50</u>
3.70 hrs		\$1,202.50

TOTAL PROFESSIONAL SERVICES	1,202.50
TOTAL EXPENSES INCURRED	1.26
<b>TOTAL OF NEW CHARGES FOR THIS INVOICE</b>	<u><b>\$1,203.76</b></u>
<b>TOTAL BALANCE DUE ON ACCOUNT</b>	<u><u><b>\$1,203.76</b></u></u>

# CHESTER WILLCOX & SAXBE

ATTORNEYS & COUNSELORS AT LAW

Telephone 614/ [REDACTED] 65 East State Street Suite 1000, Columbus, Ohio 43215-4213 Fax 614/ 221-4012

February 12, 2010

Billing 01/31/2010  
Invoice# 121986 DCB  
Our File # 13292 00024

TURKISH AMERICAN LEGAL DEFENSE FUND  
C/O BRUCE FEIN  
RESIDENT SCHOLAR  
1025 CONNECTICUT AVE., N.W., SUITE 1000  
WASHINGTON, DC 20036

Schmidt v. Krikorian

<b>BALANCE FORWARD</b>	\$1,203.76
Payments received since last invoice	(0.00)
<b>PAST DUE BALANCE (Disregard if Paid)</b>	<u>\$1,203.76</u>
Total Fees	10,164.50
Total Expenses	291.64
<b>TOTAL NEW CHARGES</b>	<u>\$10,456.14</u>
<b>TOTAL BALANCE DUE ON ACCOUNT</b>	<u>\$11,659.90</u>

DUE UPON RECEIPT

LATE PAYMENT FEE (1.5% PER MONTH) CHARGED ON ALL UNPAID BALANCES  
OVER 30 DAYS FROM DATE OF INVOICE.

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11-6574\_0117

# CHESTER WILLCOX & SAXBE

ATTORNEYS & COUNSELORS AT LAW

PH. (614) [REDACTED]

65 East State Street Suite 1000, Columbus, Ohio 43215-4213

FIN 31-4422499

February 12, 2010  
Billed through 01/31/2010  
Invoice Number 121986  
Our file# 13292 00024

TURKISH AMERICAN LEGAL DEFENSE FUND  
C/O BRUCE FEIN  
RESIDENT SCHOLAR  
1025 CONNECTICUT AVE., N.W., SUITE 1000  
WASHINGTON, DC 20036

**REDACTED**

Schmidt v. Krikorian

Balance forward as of invoice	January 15, 2010	\$1,203.76
Payments received since last invoice		(0.00)
<b>Past Due Balance (Disregard if Paid)</b>		<b>\$1,203.76</b>

13292 00024

Invoice# 121986

Page 2

**REDACTED**

DCB\_OCE - 0053

11-6574\_0119

**REDACTED****EXPENSES**

01/31/2010 DELIVERY CHARGE	58.00
01/31/2010 PHOTOCOPY SERVICE @ \$.18	233.64
<b>TOTAL DISBURSEMENTS</b>	<b><u>\$291.64</u></b>

**SUMMARY OF BILLED AMOUNTS**

DCB	BREY, DONALD C.	26.60 hrs	325.00 /hr	\$8,645.00
SDM	MORRISON, SARAH DAGGETT	0.30 hrs	285.00 /hr	\$85.50
EJW	WATTERS, ELIZABETH J.	0.40 hrs	295.00 /hr	\$118.00
DAS	SCOTT, DEBORAH A.	5.70 hrs	200.00 /hr	\$1,140.00
CBM	MURPHY, CHRISTOPHER B. - Law Clerk	1.60 hrs	110.00 /hr	\$176.00
		<u>34.60 hrs</u>		<u>\$10,164.50</u>

TOTAL PROFESSIONAL SERVICES	10,164.50
TOTAL EXPENSES INCURRED	291.64
<b>TOTAL OF NEW CHARGES FOR THIS INVOICE</b>	<b><u>\$10,456.14</u></b>
<b>PLUS PAST DUE BALANCE (Disregard if Paid)</b>	<b>\$1,203.76</b>
<b>TOTAL BALANCE DUE ON ACCOUNT</b>	<b><u><u>\$11,659.90</u></u></b>

# CHESTER WILLCOX & SAXBE

ATTORNEYS & COUNSELORS AT LAW

Telephone 614/ [REDACTED] 65 East State Street Suite 1000, Columbus, Ohio 43215-4213 Fax 614/ 221-4012

March 12, 2010

Billing 02/28/2010  
Invoice# 122678 DCB  
Our File # 13292 00024

TURKISH AMERICAN LEGAL DEFENSE FUND  
C/O BRUCE FEIN  
RESIDENT SCHOLAR  
1025 CONNECTICUT AVE., N.W., SUITE 1000  
WASHINGTON, DC 20036

Schmidt v. Krikorian

<b>BALANCE FORWARD</b>	\$11,659.90
Payments received since last invoice	(0.00)
<b>PAST DUE BALANCE (Disregard if Paid)</b>	<u>\$11,659.90</u>
Total Fees	9,535.50
Total Expenses	310.88
Late Payment Charge	18.06
<b>TOTAL NEW CHARGES</b>	<u>\$9,864.44</u>
<b>TOTAL BALANCE DUE ON ACCOUNT</b>	<u>\$21,524.34</u>

DUE UPON RECEIPT

LATE PAYMENT FEE (1.5% PER MONTH) CHARGED ON ALL UNPAID BALANCES  
OVER 30 DAYS FROM DATE OF INVOICE.

PLEASE RETURN THIS PAGE WITH PAYMENT

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11-6574\_0121

# CHESTER WILLCOX & SAXBE

ATTORNEYS & COUNSELORS AT LAW

PH. (614) [REDACTED]

65 East State Street Suite 1000, Columbus, Ohio 43215-4213

FIN 31-4422499

March 12, 2010

Billed through 02/28/2010

Invoice Number 122678

Our file# 13292 00024

TURKISH AMERICAN LEGAL DEFENSE FUND  
C/O BRUCE FEIN  
RESIDENT SCHOLAR  
1025 CONNECTICUT AVE., N.W., SUITE 1000  
WASHINGTON, DC 20036

**REDACTED**

Schmidt v. Krikorian

Balance forward as of invoice	February 12, 2010	\$11,659.90
Payments received since last invoice		(0.00)
<b>Past Due Balance (Disregard if Paid)</b>		<b>\$11,659.90</b>

13297 00024

Invoice# 122678

Page 2

**REDACTED**

DCB\_OCE - 0057

11-6574\_0123

**REDACTED****EXPENSES**

02/23/2010	U.S. DISTRICT COURT,; Invoice # 1:10-cv-00103; FILING FEE PRO HAC VICE	200.00
02/28/2010	DELIVERY CHARGE	32.50
02/28/2010	LEXIS RESEARCH	7.41
02/28/2010	PHOTOCOPY SERVICE @ \$.18	64.62
02/28/2010	OUTSIDE PHOTOCOPY SERVICE	3.10
02/28/2010	WESTLAW RESEARCH	3.25
	<b>TOTAL DISBURSEMENTS</b>	<b>\$310.88</b>

**SUMMARY OF BILLED AMOUNTS**

DCB	BREY, DONALD C.	28.70 hrs	325.00 /hr	\$9,327.50
JHB	BEEHLER, JASON H.	1.30 hrs	160.00 /hr	\$208.00
		30.00 hrs		<u>\$9,535.50</u>

TOTAL PROFESSIONAL SERVICES	9,535.50
TOTAL EXPENSES INCURRED	310.88
LATE PAYMENT CHARGE ON PAST DUE BALANCE	18.06
<b>TOTAL OF NEW CHARGES FOR THIS INVOICE</b>	<u><b>\$9,864.44</b></u>
<b>PLUS PAST DUE BALANCE (Disregard if Paid)</b>	<u><b>\$11,659.90</b></u>
<b>TOTAL BALANCE DUE ON ACCOUNT</b>	<u><u><b>\$21,524.34</b></u></u>

# CHESTER WILLCOX & SAXBE

ATTORNEYS & COUNSELORS AT LAW

Telephone 614/ [REDACTED] 65 East State Street Suite 1000, Columbus, Ohio 43215-4213 Fax 614/ 221-4012

April 19, 2010

Billing 03/31/2010  
Invoice# 123392 DCB  
Our File # 13292 00024

TURKISH AMERICAN LEGAL DEFENSE FUND  
C/O BRUCE FEIN  
RESIDENT SCHOLAR  
1025 CONNECTICUT AVE., N.W., SUITE 1000  
WASHINGTON, DC 20036

Schmidt v. Krikorian

<b>BALANCE FORWARD</b>	\$21,524.34
Payments received since last invoice	(21,524.34)
<b>PAST DUE BALANCE (Disregard if Paid)</b>	<u>\$0.00</u>
Total Fees	2,632.50
Total Expenses	122.12
<b>TOTAL NEW CHARGES</b>	<u>\$2,754.62</u>
<b>TOTAL BALANCE DUE ON ACCOUNT</b>	<u>\$2,754.62</u>

DUE UPON RECEIPT

LATE PAYMENT FEE (1.5% PER MONTH) CHARGED ON ALL UNPAID BALANCES  
OVER 30 DAYS FROM DATE OF INVOICE.

PLEASE RETURN THIS PAGE WITH PAYMENT

DCB\_OCE - 0059

11-6574\_0125

# CHESTER WILLCOX & SAXBE

ATTORNEYS & COUNSELORS AT LAW

PH. (614) [REDACTED]

65 East State Street Suite 1000, Columbus, Ohio 43215-4213

FIN 31-4422499

April 19, 2010

Billed through 03/31/2010

Invoice Number 123392

Our file# 13292 00024

TURKISH AMERICAN LEGAL DEFENSE FUND  
C/O BRUCE FEIN  
RESIDENT SCHOLAR  
1025 CONNECTICUT AVE., N.W., SUITE 1000  
WASHINGTON, DC 20036

**REDACTED**

Schmidt v. Krikorian

Balance forward as of invoice	March 12, 2010	\$21,524.34
Payments received since last invoice		(21,524.34)
<b>Past Due Balance (Disregard if Paid)</b>		<u>\$0.00</u>

## EXPENSES

03/31/2010 MILEAGE	107.50
03/31/2010 PHOTOCOPY SERVICE @ \$.18	1.62
03/31/2010 PARKING	13.00
<b>TOTAL DISBURSEMENTS</b>	<u>\$122.12</u>

13292 00024

Invoice# 123392

Page 2

**SUMMARY OF BILLED AMOUNTS**

DCB	BREY, DONALD C.	<u>8.10</u> hrs	325.00 /hr	<u>\$2,632.50</u>
		8.10 hrs		\$2,632.50

TOTAL PROFESSIONAL SERVICES	2,632.50
TOTAL EXPENSES INCURRED	122.12
TOTAL OF NEW CHARGES FOR THIS INVOICE	<u>\$2,754.62</u>
TOTAL BALANCE DUE ON ACCOUNT	<u><u>\$2,754.62</u></u>

DCB\_OCE - 0061

11-6574\_0127

# CHESTER WILLCOX & SAXBE

ATTORNEYS & COUNSELORS AT LAW

Telephone 614/ [REDACTED] 65 East State Street Suite 1000, Columbus, Ohio 43215-4213 Fax 614/ 221-4012

May 14, 2010

Billing 04/30/2010  
Invoice# 124114 DCB  
Our File # 13292 00024

TURKISH AMERICAN LEGAL DEFENSE FUND  
C/O BRUCE FEIN  
RESIDENT SCHOLAR  
1025 CONNECTICUT AVE., N.W., SUITE 1000  
WASHINGTON, DC 20036

Schmidt v. Krikorian

BALANCE FORWARD	\$2,754.62
Payments received since last invoice	(0.00)
PAST DUE BALANCE (Disregard if Paid)	<u>\$2,754.62</u>
Total Fees	1,173.50
Total Expenses	20.70
TOTAL NEW CHARGES	<u>\$1,194.20</u>
TOTAL BALANCE DUE ON ACCOUNT	<u>\$3,948.82</u>

DUE UPON RECEIPT

LATE PAYMENT FEE (1.5% PER MONTH) CHARGED ON ALL UNPAID BALANCES  
OVER 30 DAYS FROM DATE OF INVOICE.

PLEASE RETURN THIS PAGE WITH PAYMENT

DCB\_OCE - 0062

11-6574\_0128

# CHESTER WILLCOX & SAXBE

ATTORNEYS & COUNSELORS AT LAW

PH. (614) [REDACTED]

65 East State Street Suite 1000, Columbus, Ohio 43215-4213

FIN 31-4422499

May 14, 2010

Billed through 04/30/2010

Invoice Number 124114

Our file# 13292 00024

TURKISH AMERICAN LEGAL DEFENSE FUND  
C/O BRUCE FEIN  
RESIDENT SCHOLAR  
1025 CONNECTICUT AVE., N.W., SUITE 1000  
WASHINGTON, DC 20036

**REDACTED**

Schmidt v. Krikorian

Balance forward as of invoice	April 19, 2010	\$2,754.62
Payments received since last invoice		(0.00)
<b>Past Due Balance (Disregard if Paid)</b>		<b>\$2,754.62</b>

DCB\_OCE - 0063

11-6574\_0129

**REDACTED****EXPENSES**

04/30/2010 PHOTOCOPY SERVICE @ \$.18	20.70
<b>TOTAL DISBURSEMENTS</b>	<u>\$20.70</u>

**SUMMARY OF BILLED AMOUNTS**

DCB	BREY, DONALD C.	2.90 hrs	325.00 /hr	\$942.50
CBM	MURPHY, CHRISTOPHER B. - Law Clerk	2.10 hrs	110.00 /hr	<u>\$231.00</u>
		5.00 hrs		\$1,173.50

TOTAL PROFESSIONAL SERVICES	1,173.50
TOTAL EXPENSES INCURRED	20.70
<b>TOTAL OF NEW CHARGES FOR THIS INVOICE</b>	<u>\$1,194.20</u>
<b>PLUS PAST DUE BALANCE (Disregard if Paid)</b>	<u>\$2,754.62</u>
<b>TOTAL BALANCE DUE ON ACCOUNT</b>	<u><u>\$3,948.82</u></u>

# CHESTER WILLCOX & SAXBE

ATTORNEYS & COUNSELORS AT LAW

Telephone 614/ [REDACTED] 65 East State Street Suite 1000, Columbus, Ohio 43215-4213 Fax 614/ 221-4012

June 11, 2010

Billing 05/31/2010  
Invoice# 124974 DCB  
Our File # 13292 00024

TURKISH AMERICAN LEGAL DEFENSE FUND  
C/O BRUCE FEIN  
RESIDENT SCHOLAR  
1025 CONNECTICUT AVE., N.W., SUITE 1000  
WASHINGTON, DC 20036

Schmidt v. Krikorian

<b>BALANCE FORWARD</b>	<b>\$3,948.82</b>
Payments received since last invoice	(2,754.62)
<b>PAST DUE BALANCE (Disregard if Paid)</b>	<b>\$1,194.20</b>
Total Fees	2,600.00
Total Expenses	51.27
Late Payment Charge	41.32
<b>TOTAL NEW CHARGES</b>	<b>\$2,692.59</b>
<b>TOTAL BALANCE DUE ON ACCOUNT</b>	<b>\$3,886.79</b>

DUE UPON RECEIPT

LATE PAYMENT FEE (1.5% PER MONTH) CHARGED ON ALL UNPAID BALANCES  
OVER 30 DAYS FROM DATE OF INVOICE.

PLEASE RETURN THIS PAGE WITH PAYMENT

DCB\_OCE - 0065

11-6574\_0131

# CHESTER WILLCOX & SAXBE

ATTORNEYS & COUNSELORS AT LAW

PH. (614) [REDACTED]

65 East State Street Suite 1000, Columbus, Ohio 43215-4213

FIN 31-4422499

June 11, 2010

Billed through 05/31/2010

Invoice Number 124974

Our file# 13292 00024

TURKISH AMERICAN LEGAL DEFENSE FUND  
C/O BRUCE FEIN  
RESIDENT SCHOLAR  
1025 CONNECTICUT AVE., N.W., SUITE 1000  
WASHINGTON, DC 20036

**REDACTED**

Schmidt v. Krikorian

Balance forward as of invoice	May 14, 2010	\$3,948.82
Payments received since last invoice		(2,754.62)
<b>Past Due Balance (Disregard if Paid)</b>		<b>\$1,194.20</b>

## EXPENSES

05/31/2010 LEXIS RESEARCH

5.65

DCB\_OCE - 0066

11-6574\_0132

13292 00024

Invoice# 124974

Page 2

**EXPENSES**

05/31/2010 PACER RESEARCH SERVICE	18.80
05/31/2010 PHOTOCOPY SERVICE @ \$.18	26.82

TOTAL DISBURSEMENTS	<u>\$51.27</u>
---------------------	----------------

**SUMMARY OF BILLED AMOUNTS**

DCB	BREY, DONALD C.	<u>8.00 hrs</u>	325.00 /hr	<u>\$2,600.00</u>
		8.00 hrs		\$2,600.00

TOTAL PROFESSIONAL SERVICES	2,600.00
TOTAL EXPENSES INCURRED	51.27
LATE PAYMENT CHARGE ON PAST DUE BALANCE	41.32
<b>TOTAL OF NEW CHARGES FOR THIS INVOICE</b>	<u><b>\$2,692.59</b></u>
<b>PLUS PAST DUE BALANCE (Disregard if Paid)</b>	<u><b>\$1,194.20</b></u>
<b>TOTAL BALANCE DUE ON ACCOUNT</b>	<u><u><b>\$3,886.79</b></u></u>

# CHESTER WILLCOX & SAXBE

ATTORNEYS & COUNSELORS AT LAW

Telephone 614/ [REDACTED] 65 East State Street Suite 1000, Columbus, Ohio 43215-4213 Fax 614/ 221-4012

July 15, 2010

Billing 06/30/2010  
Invoice# 125608 DCB  
Our File # 13292 00024

TURKISH AMERICAN LEGAL DEFENSE FUND  
C/O BRUCE FEIN  
RESIDENT SCHOLAR  
1025 CONNECTICUT AVE., N.W., SUITE 1000  
WASHINGTON, DC 20036

Schmidt v. Krikorian

<b>BALANCE FORWARD</b>	\$3,886.79
Payments received since last invoice	(1,194.20)
<b>PAST DUE BALANCE (Disregard if Paid)</b>	<u>\$2,692.59</u>
Total Fees	2,405.00
Total Expenses	495.74
<b>TOTAL NEW CHARGES</b>	<u>\$2,900.74</u>
<b>TOTAL BALANCE DUE ON ACCOUNT</b>	<u>\$5,593.33</u>

DUE UPON RECEIPT

LATE PAYMENT FEE (1.5% PER MONTH) CHARGED ON ALL UNPAID BALANCES  
OVER 30 DAYS FROM DATE OF INVOICE.

PLEASE RETURN THIS PAGE WITH PAYMENT

DCB\_OCE - 0068

11-6574\_0134

# CHESTER WILLCOX & SAXBE

ATTORNEYS & COUNSELORS AT LAW

PH. (614) [REDACTED]

65 East State Street Suite 1000, Columbus, Ohio 43215-4213

FIN 31-4422499

July 15, 2010

Billed through 06/30/2010

Invoice Number 125608

Our file# 13292 00024

TURKISH AMERICAN LEGAL DEFENSE FUND  
C/O BRUCE FEIN  
RESIDENT SCHOLAR  
1025 CONNECTICUT AVE., N.W., SUITE 1000  
WASHINGTON, DC 20036

**REDACTED**

Schmidt v. Krikorian

Balance forward as of invoice	June 11, 2010	\$3,886.79
Payments received since last invoice		(1,194.20)
Past Due Balance (Disregard if Paid)		<u>\$2,692.59</u>

13292 00024

Invoice# 125608

Page 2

**EXPENSES**

06/07/2010	CLERK OF COURTS, CLERMONT; Invoice # 06072010; FILING FEE	200.00
06/30/2010	DELIVERY CHARGE	216.00
06/30/2010	PHOTOCOPY SERVICE @ \$.18	79.74
	<b>TOTAL DISBURSEMENTS</b>	<u>\$495.74</u>

**SUMMARY OF BILLED AMOUNTS**

DCB	BREY, DONALD C.	<u>7.40</u> hrs	325.00 /hr	<u>\$2,405.00</u>
		7.40 hrs		<u>\$2,405.00</u>

TOTAL PROFESSIONAL SERVICES	2,405.00
TOTAL EXPENSES INCURRED	495.74
<b>TOTAL OF NEW CHARGES FOR THIS INVOICE</b>	<u><b>\$2,900.74</b></u>
<b>PLUS PAST DUE BALANCE (Disregard if Paid)</b>	<u><b>\$2,692.59</b></u>
<b>TOTAL BALANCE DUE ON ACCOUNT</b>	<u><u><b>\$5,593.33</b></u></u>

# CHESTER WILLCOX & SAXBE

ATTORNEYS & COUNSELORS AT LAW

Telephone 614/ [REDACTED] 65 East State Street Suite 1000, Columbus, Ohio 43215-4213 Fax 614/ 221-4012

August 13, 2010

Billing 07/31/2010  
Invoice# 126852 DCB  
Our File # 13292 00024

TURKISH AMERICAN LEGAL DEFENSE FUND  
C/O BRUCE FEIN  
RESIDENT SCHOLAR  
1025 CONNECTICUT AVE., N.W., SUITE 1000  
WASHINGTON, DC 20036

Schmidt v. Krikorian

<b>BALANCE FORWARD</b>	\$5,593.33
Payments received since last invoice	(5,552.01)
Adjustments Applied	(-41.32)
<b>PAST DUE BALANCE (Disregard if Paid)</b>	<u>\$0.00</u>
Total Fees	877.50
Total Expenses	4.96
<b>TOTAL NEW CHARGES</b>	<u>\$882.46</u>
<b>TOTAL BALANCE DUE ON ACCOUNT</b>	<u>\$882.46</u>

DUE UPON RECEIPT

LATE PAYMENT FEE (1.5% PER MONTH) CHARGED ON ALL UNPAID BALANCES  
OVER 30 DAYS FROM DATE OF INVOICE.

PLEASE RETURN THIS PAGE WITH PAYMENT

DCB\_OCE - 0071

11-6574\_0137

# CHESTER WILLCOX & SAXBE

ATTORNEYS & COUNSELORS AT LAW

PH. (614) [REDACTED]

65 East State Street Suite 1000, Columbus, Ohio 43215-4213

FIN 31-4422499

August 13, 2010

Billed through 07/31/2010

Invoice Number 128852

Our file# 13292 00024

TURKISH AMERICAN LEGAL DEFENSE FUND  
C/O BRUCE FEIN  
RESIDENT SCHOLAR  
1025 CONNECTICUT AVE., N.W., SUITE 1000  
WASHINGTON, DC 20036

**REDACTED**

Schmidt v. Krikorian

Balance forward as of invoice July 15, 2010	\$5,593.33
Payments received since last invoice	(5,552.01)
A/R adjustments made since last invoice	(-41.32)
<b>Past Due Balance (Disregard if Paid)</b>	<hr/> <b>\$0.00</b>

## EXPENSES

07/31/2010 PACER RESEARCH SERVICE

4.96

DCB\_OCE - 0072

11-6574\_0138

13292

00024

Invoice# 126852

Page 2

TOTAL DISBURSEMENTS

\$4.96

**SUMMARY OF BILLED AMOUNTS**

DCB	BREY, DONALD C.	<u>2.70</u> hrs	325.00 /hr	<u>\$877.50</u>
		2.70 hrs		\$877.50

TOTAL PROFESSIONAL SERVICES	877.50
TOTAL EXPENSES INCURRED	4.96
TOTAL OF NEW CHARGES FOR THIS INVOICE	<u>\$882.46</u>
TOTAL BALANCE DUE ON ACCOUNT	<u><u>\$882.46</u></u>

# CHESTER WILLCOX & SAXBE

ATTORNEYS & COUNSELORS AT LAW

Telephone 614/ [REDACTED] 65 East State Street Suite 1000, Columbus, Ohio 43215-4213 Fax 614/ 221-4012

September 13, 2010

Billing 08/31/2010

Invoice# 127133 DCB

Our File # 13292 00024

TURKISH AMERICAN LEGAL DEFENSE FUND  
C/O BRUCE FEIN  
RESIDENT SCHOLAR  
1025 CONNECTICUT AVE., N.W., SUITE 1000  
WASHINGTON, DC 20036

Schmidt v. Krikorian

<b>BALANCE FORWARD</b>	\$882.46
Payments received since last invoice	(0.00)
<b>PAST DUE BALANCE (Disregard if Paid)</b>	<u>\$882.46</u>
Total Fees	130.00
Total Expenses	49.44
<b>TOTAL NEW CHARGES</b>	<u>\$179.44</u>
<b>TOTAL BALANCE DUE ON ACCOUNT</b>	<u>\$1,061.90</u>

DUE UPON RECEIPT

LATE PAYMENT FEE (1.5% PER MONTH) CHARGED ON ALL UNPAID BALANCES  
OVER 30 DAYS FROM DATE OF INVOICE.

PLEASE RETURN THIS PAGE WITH PAYMENT

DCB\_OCE - 0074

11-6574\_0140

# CHESTER WILLCOX & SAXBE

ATTORNEYS & COUNSELORS AT LAW

PH. (614) [REDACTED]

65 East State Street Suite 1000, Columbus, Ohio 43215-4213

FIN 31-4422499

September 13, 2010

Billed through 08/31/2010

Invoice Number 127133

Our file# 13292 00024

TURKISH AMERICAN LEGAL DEFENSE FUND  
C/O BRUCE FEIN  
RESIDENT SCHOLAR  
1025 CONNECTICUT AVE., N.W., SUITE 1000  
WASHINGTON, DC 20036

REDACTED

Schmidt v. Krikorian

Balance forward as of invoice August 13, 2010	\$882.46
Payments received since last invoice	(0.00)
<b>Past Due Balance (Disregard if Paid)</b>	<b>\$882.46</b>

## EXPENSES

08/31/2010 CONFERENCE CALL 49.44

**TOTAL DISBURSEMENTS** **\$49.44**

13292 00024

Invoice# 127133

Page 2

**SUMMARY OF BILLED AMOUNTS**

DCB	BREY, DONALD C.	<u>0.40</u> hrs	325.00 /hr	<u>\$130.00</u>
		0.40 hrs		\$130.00

TOTAL PROFESSIONAL SERVICES	130.00
TOTAL EXPENSES INCURRED	49.44
TOTAL OF NEW CHARGES FOR THIS INVOICE	<u>\$179.44</u>
PLUS PAST DUE BALANCE (Disregard if Paid)	\$882.46
TOTAL BALANCE DUE ON ACCOUNT	<u><u>\$1,061.90</u></u>

DCB\_OCE - 0076

11-6574\_0142

# CHESTER WILLCOX & SAXBE

ATTORNEYS & COUNSELORS AT LAW

Telephone 614/ [REDACTED] 65 East State Street Suite 1000, Columbus, Ohio 43215-4213 Fax 614/ 221-4012

October 14, 2010

Billing 09/30/2010  
Invoice# 128317 DCB  
Our File # 13292 00024

TURKISH AMERICAN LEGAL DEFENSE FUND  
C/O BRUCE FEIN  
RESIDENT SCHOLAR  
1025 CONNECTICUT AVE., N.W., SUITE 1000  
WASHINGTON, DC 20036

Schmidt v. Krikorian

<b>BALANCE FORWARD</b>	\$1,061.90
Payments received since last invoice	(882.46)
<b>PAST DUE BALANCE (Disregard if Paid)</b>	<u>\$179.44</u>
Total Fees	9,753.00
Total Expenses	481.52
<b>TOTAL NEW CHARGES</b>	<u>\$10,234.52</u>
<b>TOTAL BALANCE DUE ON ACCOUNT</b>	<u>\$10,413.96</u>

DUE UPON RECEIPT

LATE PAYMENT FEE (1.5% PER MONTH) CHARGED ON ALL UNPAID BALANCES  
OVER 30 DAYS FROM DATE OF INVOICE.

PLEASE RETURN THIS PAGE WITH PAYMENT

DCB\_OCE - 0077

11-6574\_0143

# CHESTER WILLCOX & SAXBE

ATTORNEYS & COUNSELORS AT LAW

PH. (614) [REDACTED]

65 East State Street Suite 1000, Columbus, Ohio 43215-4213

FIN 31-4422499

October 14, 2010

Billed through 09/30/2010

Invoice Number 128317

Our file# 13292 00024

TURKISH AMERICAN LEGAL DEFENSE FUND  
C/O BRUCE FEIN  
RESIDENT SCHOLAR  
1025 CONNECTICUT AVE., N.W., SUITE 1000  
WASHINGTON, DC 20036

**REDACTED**

Schmidt v. Krikorian

Balance forward as of invoice	September 13, 2010	\$1,061.90
Payments received since last invoice		(882.46)
<b>Past Due Balance (Disregard if Paid)</b>		<b>\$179.44</b>

**REDACTED**

**EXPENSES**

09/30/2010 HOTEL/MEALS WHILE TRAVELING	235.86
09/30/2010 MILEAGE	155.50
09/30/2010 PHOTOCOPY SERVICE FOR THE MONTH @ \$.18	87.66
09/30/2010 OUTSIDE PHOTOCOPY SERVICE	2.50

TOTAL DISBURSEMENTS	<hr/> \$481.52
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**SUMMARY OF BILLED AMOUNTS**

DCB	BREY, DONALD C.	23.20 hrs	325.00 /hr	\$7,540.00
SDM	MORRISON, SARAH DAGGETT	2.00 hrs	285.00 /hr	\$570.00
EJW	WATTERS, ELIZABETH J.	4.60 hrs	295.00 /hr	\$1,357.00
CBM	MURPHY, CHRISTOPHER B. - Law Clerk	2.60 hrs	110.00 /hr	\$286.00
		<u>32.40 hrs</u>		<u>\$9,753.00</u>

TOTAL PROFESSIONAL SERVICES	9,753.00
TOTAL EXPENSES INCURRED	481.52
TOTAL OF NEW CHARGES FOR THIS INVOICE	<u>\$10,234.52</u>
PLUS PAST DUE BALANCE (Disregard if Paid)	\$179.44
TOTAL BALANCE DUE ON ACCOUNT	<u><u>\$10,413.96</u></u>

# CHESTER WILLCOX & SAXBE

ATTORNEYS & COUNSELORS AT LAW

Telephone 614/ [REDACTED] 65 East State Street Suite 1000, Columbus, Ohio 43215-4213 Fax 614/ 221-4012

November 11, 2010

Billing 10/31/2010

Invoice# 128728 DCB

Our File # 13292 00024

TURKISH AMERICAN LEGAL DEFENSE FUND  
C/O BRUCE FEIN  
RESIDENT SCHOLAR  
1025 CONNECTICUT AVE., N.W., SUITE 1000  
WASHINGTON, DC 20036

Schmidt v. Krikorian

<b>BALANCE FORWARD</b>	\$10,413.96
Payments received since last invoice	(10,413.96)
<b>PAST DUE BALANCE (Disregard if Paid)</b>	<u>\$0.00</u>
Total Fees	11,358.50
Total Expenses	199.30
<b>TOTAL NEW CHARGES</b>	<u>\$11,557.80</u>
<b>TOTAL BALANCE DUE ON ACCOUNT</b>	<u>\$11,557.80</u>

DUE UPON RECEIPT

LATE PAYMENT FEE (1.5% PER MONTH) CHARGED ON ALL UNPAID BALANCES  
OVER 30 DAYS FROM DATE OF INVOICE.

PLEASE RETURN THIS PAGE WITH PAYMENT

DCB\_OCE - 0081

11-6574\_0147

# CHESTER WILLCOX & SAXBE

ATTORNEYS & COUNSELORS AT LAW

PH. (614) [REDACTED]

65 East State Street Suite 1000, Columbus, Ohio 43215-4213

FIN 31-4422499

November 11, 2010

Billed through 10/31/2010

Invoice Number 128728

Our file# 13292 00024

TURKISH AMERICAN LEGAL DEFENSE FUND  
C/O BRUCE FEIN  
RESIDENT SCHOLAR  
1025 CONNECTICUT AVE., N.W., SUITE 1000  
WASHINGTON, DC 20036

**REDACTED**

Schmidt v. Krikorian

Balance forward as of invoice	October 14, 2010	\$10,413.96
Payments received since last invoice		(10,413.96)
<b>Past Due Balance (Disregard if Paid)</b>		<u>\$0.00</u>

13292 00024

Invoice# 128728 Page 2

REDACTED

DCB\_OCE - 0083

11-6574\_0149

**REDACTED**

**EXPENSES**

10/31/2010 PHOTOCOPY SERVICE FOR THE MONTH @ \$.18	117.90
10/31/2010 TRANSCRIPT	70.00
10/31/2010 WESTLAW RESEARCH	11.40
<b>TOTAL DISBURSEMENTS</b>	<hr/> <b>\$199.30</b>

**SUMMARY OF BILLED AMOUNTS**

DCB	BREY, DONALD C.	14.00	hrs	325.00	/hr	\$4,550.00
SDM	MORRISON, SARAH DAGGETT	4.80	hrs	285.00	/hr	\$1,368.00
EJW	WATTERS, ELIZABETH J.	17.10	hrs	295.00	/hr	\$5,044.50
CBM	MURPHY, CHRISTOPHER B. - Law Clerk	3.60	hrs	110.00	/hr	\$396.00
		<u>39.50</u>	hrs			<u>\$11,358.50</u>

TOTAL PROFESSIONAL SERVICES	11,358.50
TOTAL EXPENSES INCURRED	199.30
<b>TOTAL OF NEW CHARGES FOR THIS INVOICE</b>	<u><b>\$11,557.80</b></u>
<b>TOTAL BALANCE DUE ON ACCOUNT</b>	<u><u><b>\$11,557.80</b></u></u>

# CHESTER WILLCOX & SAXBE

ATTORNEYS & COUNSELORS AT LAW

Telephone 614/ [REDACTED] 65 East State Street Suite 1000, Columbus, Ohio 43215-4213 Fax 614/ 221-4012

December 10, 2010

Billing 11/30/2010  
Invoice# 129453 DCB  
Our File # 13292 00024

TURKISH AMERICAN LEGAL DEFENSE FUND  
C/O BRUCE FEIN  
RESIDENT SCHOLAR  
1025 CONNECTICUT AVE., N.W., SUITE 1000  
WASHINGTON, DC 20036

Schmidt v. Krikorian

<b>BALANCE FORWARD</b>	\$11,557.80
Payments received since last invoice	(0.00)
<b>PAST DUE BALANCE (Disregard if Paid)</b>	<u>\$11,557.80</u>
Total Fees	18,688.50
Total Expenses	1,331.36
<b>TOTAL NEW CHARGES</b>	<u>\$20,019.86</u>
<b>TOTAL BALANCE DUE ON ACCOUNT</b>	<u>\$31,577.66</u>

DUE UPON RECEIPT

LATE PAYMENT FEE (1.5% PER MONTH) CHARGED ON ALL UNPAID BALANCES  
OVER 30 DAYS FROM DATE OF INVOICE.

PLEASE RETURN THIS PAGE WITH PAYMENT

DCB\_OCE - 0086

11-6574\_0152

# CHESTER WILLCOX & SAXBE

ATTORNEYS & COUNSELORS AT LAW

PH. (614) [REDACTED]

65 East State Street Suite 1000, Columbus, Ohio 43215-4213

FIN 31-4422499

December 10, 2010

Billed through 11/30/2010

Invoice Number 129453

Our file# 13292 00024

TURKISH AMERICAN LEGAL DEFENSE FUND  
C/O BRUCE FEIN  
RESIDENT SCHOLAR  
1025 CONNECTICUT AVE., N.W., SUITE 1000  
WASHINGTON, DC 20036

**REDACTED**

Schmidt v. Krikorian

Balance forward as of invoice	November 11, 2010	\$11,557.80
Payments received since last invoice		(0.00)
<b>Past Due Balance (Disregard if Paid)</b>		<b>\$11,557.80</b>

13292 00024

Invoice# 129453

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DCB\_OCE - 0088

11-6574\_0154

13292 00024

Invoice# 129453

Page 3

REDACTED

DCB\_OCE - 0089

11-6574\_0155

**REDACTED**

**EXPENSES**

11/30/2010 CONFERENCE CALL	53.68
11/30/2010 DELIVERY CHARGE	216.00
11/30/2010 MILEAGE	145.50
11/30/2010 OVERNIGHT DELIVERY	109.46
11/30/2010 PHOTOCOPY SERVICE FOR THE MONTH @ \$.18	222.66
11/30/2010 TRANSCRIPT	402.50
11/30/2010 WESTLAW RESEARCH	181.56

TOTAL DISBURSEMENTS \$1,331.36

13292 00024

Invoice# 129453

Page 5

**SUMMARY OF BILLED AMOUNTS**

DCB	BREY, DONALD C.	35.90 hrs	325.00 /hr	\$11,667.50
EJW	WATTERS, ELIZABETH J.	23.80 hrs	295.00 /hr	\$7,021.00
		<u>59.70 hrs</u>		<u>\$18,688.50</u>

TOTAL PROFESSIONAL SERVICES	18,688.50
TOTAL EXPENSES INCURRED	1,331.36
TOTAL OF NEW CHARGES FOR THIS INVOICE	<u>\$20,019.86</u>
PLUS PAST DUE BALANCE (Disregard if Paid)	<u>\$11,557.80</u>
TOTAL BALANCE DUE ON ACCOUNT	<u><u>\$31,577.66</u></u>

# CHESTER WILLCOX & SAXBE

ATTORNEYS & COUNSELORS AT LAW

Telephone 614/ [REDACTED] 65 East State Street Suite 1000, Columbus, Ohio 43215-4213 Fax 614/ 221-4012

January 17, 2011

Billing 12/31/2010  
Invoice# 130554 DCB  
Our File # 13292 00024

TURKISH AMERICAN LEGAL DEFENSE FUND  
C/O BRUCE FEIN  
RESIDENT SCHOLAR  
1025 CONNECTICUT AVE., N.W., SUITE 1000  
WASHINGTON, DC 20036

Schmidt v. Krikorian

<b>BALANCE FORWARD</b>	\$31,577.66
Payments received since last invoice	(0.00)
<b>PAST DUE BALANCE (Disregard if Paid)</b>	<u>\$31,577.66</u>
Total Fees	4,830.00
Total Expenses	90.52
Late Payment Charge	473.66
<b>TOTAL NEW CHARGES</b>	<u>\$5,394.18</u>
<b>TOTAL BALANCE DUE ON ACCOUNT</b>	<u><u>\$36,971.84</u></u>

DUE UPON RECEIPT

LATE PAYMENT FEE (1.5% PER MONTH) CHARGED ON ALL UNPAID BALANCES  
OVER 30 DAYS FROM DATE OF INVOICE.

PLEASE RETURN THIS PAGE WITH PAYMENT

DCB\_OCE - 0092

11-6574\_0158

# CHESTER WILLCOX & SAXBE

ATTORNEYS & COUNSELORS AT LAW

PH. (614) [REDACTED]

65 East State Street Suite 1000, Columbus, Ohio 43215-4213

FIN 31-4422499

January 17, 2011

Billed through 12/31/2010

Invoice Number 130554

Our file# 13292 00024

TURKISH AMERICAN LEGAL DEFENSE FUND  
C/O BRUCE FEIN  
RESIDENT SCHOLAR  
1025 CONNECTICUT AVE., N.W., SUITE 1000  
WASHINGTON, DC 20036

**REDACTED**

Schmidt v. Krikorian

Balance forward as of invoice	December 10, 2010	\$31,577.66
Payments received since last invoice		(0.00)
<b>Past Due Balance (Disregard if Paid)</b>		<b>\$31,577.66</b>

DCB\_OCE - 0093

11-6574\_0159

**REDACTED**

**EXPENSES**

12/31/2010 LEXIS RESEARCH	3.41
12/31/2010 OVERNIGHT DELIVERY	14.39
12/31/2010 PHOTOCOPY SERVICE FOR THE MONTH @ \$.18	72.72
<b>TOTAL DISBURSEMENTS</b>	<hr/> <b>\$90.52</b>

13292 00024

Invoice# 130554

Page 3

**SUMMARY OF BILLED AMOUNTS**

DCB	BREY, DONALD C.	13.50 hrs	325.00 /hr	\$4,387.50
EJW	WATTERS, ELIZABETH J.	1.50 hrs	295.00 /hr	\$442.50
		<u>15.00 hrs</u>		<u>\$4,830.00</u>

TOTAL PROFESSIONAL SERVICES	4,830.00
TOTAL EXPENSES INCURRED	90.52
LATE PAYMENT CHARGE ON PAST DUE BALANCE	473.66
<b>TOTAL OF NEW CHARGES FOR THIS INVOICE</b>	<b><u>\$5,394.18</u></b>
<b>PLUS PAST DUE BALANCE (Disregard if Paid)</b>	<b><u>\$31,577.66</u></b>
<b>TOTAL BALANCE DUE ON ACCOUNT</b>	<b><u><u>\$36,971.84</u></u></b>

# **EXHIBIT 12**

CONFIDENTIAL

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS  
UNITED STATES HOUSE OF REPRESENTATIVES

**MEMORANDUM OF INTERVIEW**

IN RE: Representative Schmidt's Chief of Staff  
REVIEW No.: 11-6574  
DATE: April 6, 2011  
LOCATION: 425 3<sup>rd</sup> St., SW  
Washington, DC 20024  
TIME: 2:00 p.m. to 2:55 p.m. (approximately)  
PARTICIPANTS: Kedric L. Payne  
Paul J. Solis

**SUMMARY:** The OCE requested an interview with Representative Schmidt's Chief of Staff, who is now her former Chief of Staff, on April 6, 2011, and he consented to an interview. Representative Jean Schmidt, who is a Member of the United States House of Representatives and represents the 2nd District of Ohio. Representative Schmidt's Chief of Staff made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and consented to an interview. He signed a written acknowledgement of the warning, which will be placed in the case file in this review.
2. The witness is currently a partner at BKM Consulting, which provides various services to political campaigns.
3. He has been employed there since approximately May 2010, which is when he left his employment with Representative Schmidt.
4. He became employed with Representative Schmidt shortly after she was elected in 2005. He served as her Chief of Staff from that time until he left in 2010. As Chief of Staff, the witness supervised all functions of the congressional office.
5. Prior to working for Representative Schmidt, the witness worked for at least three other House Members including Representative Kevin DeWine.
6. The witness told the OCE that he volunteered for Representative Schmidt's campaign committee, but the campaign never employed him.
7. The witness first met David Krikorian in Representative Schmidt's office in 2006 or 2007. The witness told the OCE that Mr. Krikorian came to the office claiming he was the President of the Ohio Armenian Association.

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8. Mr. Krikorian came to the office to ask Representative Schmidt to support the Armenian genocide resolution. During the meeting with Representative Schmidt, Mr. Krikorian became belligerent because Representative Schmidt would not commit to voting for the resolution.
9. The witness told the OCE that in 2008 Mr. Krikorian campaigned against Representative Schmidt and constantly attacked her in the Armenian media.
10. During the week before the election in November 2008, Mr. Krikorian put pamphlets on cars at Representative Schmidt's church. The pamphlets criticized Representative Schmidt and included allegations that she accepted "blood money" from the Turkish government. These types of statements occurred after the election as well.
11. As a result of Mr. Krikorian's pamphlets and other statements that he made about Representative Schmidt, the witness and Representative Schmidt began considering possible legal actions against Mr. Krikorian following the election in November 2008. The witness told the OCE that he and Representative Schmidt took no action until January 2009.
12. In January 2009, Mr. Krikorian continued to make public statements about Representative Schmidt.
13. The witness was familiar with the Ohio Election Commission ("OEC") and its ability to adjudicate false statements partly because Mr. Krikorian had filed complaints against Representative Schmidt with the OEC.
14. During the first quarter of 2009, Bruce Fein called the witness and said that he wanted to help Representative Schmidt pursue legal action against Mr. Krikorian and said he worked for the Turkish American Legal Defense Fund ("TALDF"). The witness knew Bruce Fein from his work with Representative DeWine. Mr. Fein then visited Representative Schmidt's office to meet.
15. The witness told the OCE that Mr. Fein suggested that the legal fee arrangement should be a contingency fee. Mr. Fein suggested that Representative Schmidt could sue Mr. Krikorian for millions of dollars based on his statements about her.
16. The witness was not certain whether the services could be provided under a contingency fee based on House ethics rules and federal election law. He contacted the Federal Election Commission ("FEC"), the House General Counsel's Office, and the House Committee on Ethics to get approval of the arrangement for legal services.

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17. The witness explained to the OCE that Mr. Fein “never” talked about providing legal services at no charge and “definitely wanted to do a contingency fee.” Mr. Fein was the first person to suggest a contingency fee.
18. The witness knew Mr. Fein because Mr. Fein had previously worked for Representative Mike DeWine. The witness had worked for Representative DeWine’s campaign.
19. The witness also knew Lincoln McCurdy of the Turkish Coalition of America (“TCA”). Mr. McCurdy had visited the witness in Representative Schmidt’s office to lobby him on the Armenian genocide resolution. He met Mr. McCurdy in 2007 or 2008.
20. The witness never discussed the possibility of filing a complaint against Mr. Krikorian with Mr. McCurdy.
21. Although he was waiting for ethics approval on the legal fees, he did not instruct Bruce Fein to delay filing the complaint with the OEC. The witness stated that at the time he did not know who would pay for the services, but Representative Schmidt wanted to go to court. The witness told the OCE that if the legal services were not approved by the Committee on Ethics he expected that Representative Schmidt would use personal funds to pay for the legal services.
22. The FEC told him that campaign funds could be used to pay for the legal services if the Committee on Ethics approved such use.
23. The witness contacted the Committee on Ethics and had numerous conversations with the staff about how to draft a letter requesting approval of the legal services.
24. The witness asked whether Representative Schmidt could pay for legal expenses with campaign money or have a contingency fee agreement. These conversations lasted several weeks to months.
25. The Committee on Ethics explained to him the possibility of establishing a legal expense fund. At that time, the witness’ personal understanding was that legal expense funds had never been used other than for defense issues. However, the Committee on Ethics’ counsel told him that she thought the fund could be used for Representative Schmidt’s situation as well.
26. The witness told the OCE that the Committee on Ethics counsels told him not to accept any bill for the legal services during this time.
27. The witness’ first formal request for Committee on Ethics approval of the legal fees is in a letter dated September 17, 2009 (Schmidt\_0029). He drafted the letter to the

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Committee on Ethics on behalf of Representative Schmidt requesting approval of the legal fees.

28. When asked why there was a time lapse between the first meeting with Mr. Fein and the September 17, 2009 request, the witness stated that he was waiting for the Committee on Ethics to provide him with the final language for the request letter.
29. In response to the letter, the Committee on Ethics asked the witness for information about the amount of hours the attorneys had worked on the legal matters.
30. As a result, the witness wrote a letter to the Committee on Ethics, dated October 8, 2009 (Schmidt\_0031), explaining that the attorneys had worked “just shy of 200 hours”.
31. The witness also provided the Committee on Ethics with a letter from Bruce Fein to Representative Schmidt stating that the attorneys agreed to represent her on a contingency fee basis. The witness does not know when this letter about the contingency fee was written.
32. The witness told the OCE that he believes on January 21, 2010, he sent a letter or email to the Committee on Ethics to amend the request for approval of a contingency fee. He said that the Committee on Ethics advised him that the approval of the legal services could happen quicker if he removed the request for a contingency fee.
33. He explained that the TALDF attorneys provided legal services for the appeal of the OEC matter as part of the representation in filing the complaint with the OEC.
34. TALDF submitted an amicus brief on behalf of Representative Schmidt in federal court in Ohio without the witness knowing that the brief was going to be filed. He was not alerted to the filing until after it had been done.
35. Although the witness received the advisory opinion from the Committee on Ethics in February 2010, he was not involved in establishing a legal expense fund. He does not know why the request for approval of legal expense fund was not sent to the Committee on Ethics until July 2010. He explained that he was no longer employed with Representative Schmidt by July 2010.

This memorandum was prepared on April 7, 2011, based on the notes that the OCE staff prepared during the interview with the witness on April 6, 2011. I certify that this memorandum contains all pertinent matter discussed with the witness on April 6, 2011.

Kedric L. Payne  
Investigative Counsel

# **EXHIBIT 13**

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS  
UNITED STATES HOUSE OF REPRESENTATIVES

**MEMORANDUM OF INTERVIEW**

IN RE: Representative Jean Schmidt  
REVIEW No.: 11-6574  
DATE: March 31, 2011  
LOCATION: 2464 Rayburn HOB  
Washington, DC 20515  
TIME: 10:40 a.m. to 11:40 a.m. (approximately)  
PARTICIPANTS: Kedric L. Payne  
Paul J. Solis  
Joe Jansen

**SUMMARY:** Representative Jean Schmidt is a Member of the United States House of Representatives and represents the 2nd District of Ohio. The OCE requested an interview with Representative Schmidt on March 31, 2011, and she consented to an interview. Representative Schmidt (the “witness”) made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and consented to an interview. She signed a written acknowledgement of the warning, which will be placed in the case file in this review.
2. The witness told the OCE that she decided that she wanted to file a complaint with the Ohio Election Commission (“OEC”) against Mr. Krikorian in November 2008. This decision was the result of an extended period of time of Mr. Krikorian making public statements criticizing the witness. At that point the witness felt she had to do something about Mr. Krikorian’s statements.
3. She knew Bruce Fein from her years of serving in Congress. Mr. Fein was aware of Mr. Krikorian’s public statements about the witness. He offered the legal services of the Turkish American Legal Defense Fund (“TALDF”) to assist the witness with the complaint against Mr. Krikorian. She could not recall how or when these discussions with Mr. Fein began.
4. The witness has known Lincoln McCurdy, president of the Turkish Coalition of America (“TCA”), for about four or five years from his work on Capitol Hill. The witness stated that she did not have a discussion with Mr. McCurdy about TALDF’s legal representation but does not know whether her previous Chief of Staff had such discussions.

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

5. The witness was familiar with the TCA through the Congressional Turkish Caucus, which she joined.
6. The witness told the OCE that TALDF did not offer to provide the legal services to her for free. She discussed with Mr. Fein the possibility of a contingency fee, but this option was not pursued. She is not sure why it was not pursued and she does not recall when these conversations occurred.
7. The witness stated that, between her and TALDF, she was the first to discuss paying for the legal services.
8. The parties also discussed the possibility of having the witnesses' campaign committee pay for the legal services or establish a legal expense fund.
9. When asked if she instructed the TALDF attorneys to delay filing the OEC complaint, the witness stated that she did not.
10. The witness stated that Mr. Fein selected the local counsel, Donald Brey. She told the OCE that she knew of Mr. Brey for many years from his work with the Ohio Republican Party. She told the OCE that she did not recommend him and was surprised to learn that he was local counsel.
11. The witness continues to work with the Committee on Ethics to establish a legal expense fund, but the issue has not been finalized because the Committee on Ethics is uncomfortable with the trustee that she initially selected.
12. She told the OCE that ethics advice concerning payment for the TALDF legal expenses was first requested during the summer of 2009. Her then Chief of Staff, Barry Bennett, informally asked for this advice. The advice was requested in order to determine whether everything was right and proper with accepting TALDF legal services.
13. Later in September 2009, a formal written request was submitted to the Committee on Ethics. When asked why she waited until September 2009 to make the formal request, the witness stated that it just felt like the right time to do it.
14. The witness received an advisory opinion from the Committee on Ethics in February 2010. When asked why there was a delay between her receipt of the advisory opinion and her July 2010 request for approval of a legal expense trust, the witness stated that she and Mr. Bennett were trying to select a trustee.
15. Concerning the later legal actions taken by TALDF on her behalf, the witness stated that TALDF continued to be her legal counsel because she did not want to change attorneys

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unless necessary. The witness stated that there was an understanding that she would pay for all of the legal services rendered.

16. Mr. Bennett was the primary point of contact between the witness' office and TALDF.

This memorandum was prepared on April 4, 2011, based on the notes that the OCE staff prepared during the interview with the witness on March 31, 2011. I certify that this memorandum contains all pertinent matter discussed with the witness on March 31, 2011.

Kedric L. Payne  
Investigative Counsel

# **EXHIBIT 14**

# TURKISH AMERICAN TALDF LEGAL DEFENSE FUND

HOME

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**ISSUES & CASES**

COMMENTS

CONTACT

LINKS

## ISSUES & CASES

### TALDF REQUESTS CRIMINAL INVESTIGATION IN OHIO

ARMENIAN AMERICAN VERBAL THUGGERY PROVOKES CRIMINAL INVESTIGATION REQUEST

Washington DC, November 3, 2008 - The Turkish American Legal Defense Fund today requested the Attorney General of Ohio, Nancy H. Rogers, to open a criminal investigation under Ohio law into signature Armenian verbal thuggery employed by Armenian American independent candidate David Krikorian against Representative Jean Schmidt. The Congresswoman represents the 2nd district of Ohio, and is running for re-election. The criminal lies under that Krikorian recently splattered against Ms. Schmidt are emblematic of the religiously and ethnically bigoted campaign tactics that Armenian Americans celebrate, directly or indirectly, against congressional candidates who refuse to salute their narrow, close-minded, fanatical anti-Turkish agenda. Ohio's Revised Code makes criminal intentional falsehoods calculated to impact elections. Other candidates for Congress who have been similarly victimized by Armenian American verbal thuggery in the 2008 election cycle include Steve Cohen (Tenn.), Virginia Foxx (N.C.), Charles Hahn (Calif.), Robert Wexler (Fla.), and Jill Morgenthaler (Ill.).

Krikorian's criminal lies about the Congresswoman and her campaign supporters are posted on the Internet at **krikorianforcongress.com**. The Armenian American's posting in substance falsely accuses Congresswoman Schmidt of bribery and Turkish Americans who have made campaign contributions for her of paying bribes, i.e., that she bargained for campaign contributions from Turkish Americans in exchange for a promise to take official actions in Congress in opposition to perennial "Armenian genocide" resolution in the House of Representatives: **"Representative Jean Schmidt has taken \$30,000 in blood money to deny the genocide of Christian Armenians by Muslim Turks."**

Contrary to the Krikorian's lies, there was no quid pro quo or any irregularity whatsoever in the campaign contributions for Congresswoman Schmidt. As is customary in political campaigns, contributors make financial contributions to candidates who support the policy positions of which they approve. In fact, Armenian Americans and their political action committees scrupulously confine their contributions to candidates who support or pledge to support "Armenian genocide" resolutions.

Congresswoman Schmidt's opposition to the Armenian genocide resolution is readily explained by historical facts. Her conclusions accord with renowned Middle East scholar Bernard Lewis of Princeton University, who has been consulted by the White House under President George W. Bush, and others of comparable academic prestige. The Congresswoman, based on her independent research does not believe the tragic events of World War I, in which both Armenians and Turks were killed in harrowing numbers, constituted genocide—an accusation that has never been proven in a court of law. She further maintains that the historical question is not appropriate for Congress to legislate.

The Turkish American Legal Defense Fund has written a letter to Attorney General Rogers urging a criminal investigation and prosecution of David Krikorian under Ohio campaign and false statement laws, Ohio Revised Code, section 3517.02 and section 2921.13(A)(2), respectively. To paraphrase attorney Joseph Welch's rebuke to Communist witch hunting Senator Joe McCarthy, have Armenian Americans no sense of decency, at long last? Have they left no sense of decency?

TALDF will oppose any assault from any quarter on the right of Turkish Americans to participate fully in the American political process, including voicing their opinions on issues impacting Turkish-American relations or otherwise.

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Turkish American Legal Defense Fund - TALDF  
1025 Connecticut Avenue, Suite 1000, NW Washington, DC 20036  
Phone: 202-370-██████████, Fax: 202-370-1398

# **EXHIBIT 15**

**COPY**  
CASE NO. 2009E-003

BEFORE THE OHIO ELE EXHIBIT: A

Jean Schmidt  
Schmidt for Congress  
8280 Montgomery Rd., Ste. 204  
Cincinnati, OH 45236

**RECEIVED**

APR 29 2009

OHIO ELECTIONS COMMISSION

v.

Mr. David Krikorian  
8132 Camargo Woods Court  
Cincinnati, OH 45243-2206

COMPLAINT

I, Jean Schmidt, file this Complaint under Ohio Revised Code Section 3517.153 and aver the following under oath:

- 1) I have represented the Second Congressional District of Ohio in the United States Congress since January 2007.
- 2) I campaigned for re-election in 2008.
- 3) David Krikorian, running as an independent, was one of my opponents in the general election held on November 4, 2008.
- 4) Each of the false statements enumerated below were designed to promote his candidacy for Congress and to defeat my re-election bid.
- 5) I have never received a donation in order "to Deny the Genocide of Christian Armenians by Muslim Turks." I have never accepted anything of value in return for being influenced in the performance of an official act (including inaction), which would be a federal crime under 18 U.S.C. 201.
- 6) On his 2008 campaign website (<http://www.krikorianforcongress.com/genocide.php>) Mr. Krikorian asserted: "Representative Jean Schmidt Has Taken \$30,000 in Blood Money to Deny the Genocide of Christian Armenians by Muslim Turks." Exhibit 1.
- 7) Mr. Krikorian's statement quoted in paragraph 6 above was intentionally falsely stated facts in at least two respects in violation of Ohio Revised Code Section 3517.21(A)(10).

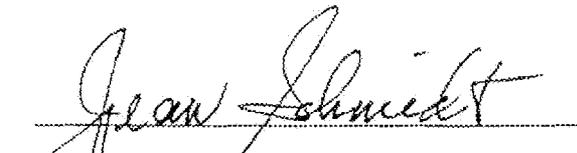
- 8) I have never "denied" an Armenian genocide. My position as a Member of Congress has consistently been that the subject is not a fit question for Congress; and, that based on my knowledge of the historical record I cannot, at present, characterize the tragic events of 1915 in World War I as an Armenian "genocide," which has a very strict meaning. As a Member of Congress, I have never voted on an Armenian genocide resolution. I support the formation of an international independent commission of experts to resolve the matter definitively.
- 9) Mr. Krikorian's campaign website undermines his own false accusation. The website recounts a statement in my office on March 29, 2007, which does not deny genocide, but expresses agnosticism: "At this time [Jean Schmidt] does not have enough information to characterize these deaths as genocide especially when those responsible are long dead." The website also quotes from a statement made in my office on May 11, 2007, in which I do not deny genocide, but make a different point about the exacting standards of proof counseling hesitation before leaping to a conclusion: "The United Nations describes genocide as carrying out acts intended to 'destroy, in whole or in part, a national, ethnic, racial, or religious group.' In this instance, it was very difficult to know intent."
- 10) On November 2, 2008, Mr. Krikorian addressed a letter to, "My Supporters and the People of the Second Congressional District." It contains several knowingly false statements of fact in violation of Ohio Revised Code Section 3517.21(A)(10). Exhibit 2.
- 11) Paragraph 2 of the letter asserts: "I demand [Jean Schmidt's] immediate withdrawal from this race and her apology to the people of the United States of America for the crime she has committed against our American soldiers and humanity by denying the undisputed facts of the Armenian Genocide."
- 12) As elaborated in paragraphs 8 and 9 of this Complaint, I have not "denied" the Armenian Genocide. (In addition, the "facts" are not "undisputed." Reputable American scholars who question the appropriateness of the genocide label for the tragic events of 1915-1916 include famed Middle East expert Bernard Lewis of Princeton University, the late Stanford Shaw of U.C.L.A, Justin McCarthy of the University of Louisville, Guenter Lewy of the University of Massachusetts, Norman Itzkowitz of Princeton University, Brian G. Williams of the University of Massachusetts, David Fromkin of Boston University, Avigdor Levy of Brandeis University, Michael M. Gunter of Tennessee Tech, Pierre Oberling of Hunter College, the late Roderic Davison of George Washington University, Michael Radu of Foreign Policy Research Institute, and military historian Edward J. Erickson. Outside of the United States yet more scholars have endorsed a contra-genocide analysis of the history of the Ottoman Armenians, among them Gilles Veinstein of the College de France, Stefano Trinchese of the University of Chieti, Augusto Sinagra of the University of Romae-Sapienza, Norman Stone of Bilkent University, and the historian Andrews Mango of the University of London).

- 13) Paragraph 3 of the November 2, 2008 letter repeats the false assertion that Jean Schmidt "deni[es]" the Armenian Genocide.
- 14) Paragraph 4 of the November 2, 2008 letter further repeats the false assertion that Jean Schmidt insanely "deni[es]...the Christian Armenian Genocide at the hands of the Muslim Ottoman Empire." It also largely repeats the doubly-false statement in Krikorian's website for the reasons set forth in paragraphs 8 and 9 of this Complaint: "Jean Schmidt has taken \$30,000 in blood money from Turkish sponsored political action committees to deny the slaughter of 1.5 million Armenian men, women, and children by the Ottoman Turkish Government during World War I." In addition, the statement makes the false assertion that I received campaign contributions from "Turkish government sponsored" political action committees. No political action committee that donated to my campaign was "Turkish government sponsored." True copies of the affidavits of Lincoln McCurdy and Demir Karsan, Treasurer and President of Turkish Coalition USA PAC and Turkish American Heritage PAC, respectively, are attached as Exhibit 3.
- 15) Paragraph 7 of the November 2, 2008 letter again falsely accuses me of "den[ying]" the "Armenian genocide" for the reasons set forth in paragraphs 8 and 9 of this Complaint.
- 16) Paragraph 10 of the November 2, 2008 letter falsely asserts: "Jean Schmidt has taken \$30,000 in blood money from Turkish government sponsored political action committees and Turkish people in 2008 in exchange for helping them to cover-up the mass murder of 1.5 million Christians. This information is public record and can be found on the Federal Election Commission database at <http://www.FEC.gov>." Exhibit 4.
- 17) As set forth in paragraph 5 of this Complaint, I have never accepted a political contribution in return for being influenced in the performance of an official act (including inaction).
- 18) As set forth in paragraph 14, I did not receive any campaign contributions from political action committees "sponsored" by the Turkish government.
- 19) The website <http://www.FEC.gov> does not substantiate that political action committees that made contributions to me were sponsored by the Turkish government, nor does it identify campaign donors by ancestry. In other words, the website does not corroborate that "Turkish people" made donations to my 2008 congressional campaign.
- 20) It would be a crime under federal law for the Turkish government (or any foreign national) to fund a political action committee that made donations to a federal candidate seeking election to Congress, among other federal offices. 2 U.S.C. 437 g(d), 441e.
- 21) It would be a crime under federal law for "Turkish people" to make contributions to federal political campaigns for Congress, among other federal offices, if the donor were not an American citizen or permanent resident alien. 2 U.S.C 437 g(d), 441e(b).

- 22) Paragraph 14 of the November 2, 2008 letter repeats the false accusation that Jean Schmidt has "deni[ed]" the Armenian genocide for the reasons set forth in paragraphs 8 and 9 of this Complaint. Exhibit 2.
- 23) I debated Mr. Krikorian on three occasions during the 2008 campaign. In none of those debates did he assert that I had solicited or received \$30,000 from Turkish Americans, Turkish people, or Turkish political action committees for being influenced in the performance of my official duties as a Member of Congress regarding Armenian genocide resolutions.
- 24) I have spoken to Mr. Krikorian face-to-face on 1 occasion in my congressional office. In that meeting he did not accuse me of receiving campaign contributions in return for being influenced in the performance of my official duties as a Member of Congress.
- 25) Neither Mr. Krikorian nor his agents ever inquired of me, my staff, or my campaign committee as to whether I had made any promises or commitments to being influenced in the performance of my official duties about the Armenian genocide resolution in return for campaign contributions from "Turkish people" or "Turkish government sponsored political action committees."
- 26) In Mr. Krikorian's email exchanges with Ben LaRocco of my staff, it was related to him that my knowledge of the facts and the currently available evidence had not convinced me of the Armenian genocide claim. Exhibit 5.

Wherefore, Jean Schmidt for Congress requests that the Commission conduct a hearing and issue a finding that David Krikorian violated Ohio Revised Code Section 3517.21(A)(10) during the 2008 general election campaign in the Second Congressional District of Ohio by knowingly making false statements of fact as set forth in this Complaint, to issue a public reprimand, and to grant such other relief that the Commission find just and equitable in the circumstances.

Further affiant sayeth not.

  
\_\_\_\_\_  
Jean Schmidt

District of Columbia  
On this 2<sup>nd</sup> day of April, 2009  
Jean Schmidt  
personally appeared before me and acknowledged  
that he/she executed the foregoing instrument.  
Marguerita Parish Hardy Notary Public  
Marguerita Parish Hardy  
My commission expires October 31, 2011

# **EXHIBIT 16**

IN THE OHIO ELECTIONS COMMISSION

JEAN SCHMIDT  
Schmidt for Congress  
8280 Montgomery Road, Suite 204  
Cincinnati, Ohio 45236

Complainant,

vs.

DAVID KRIKORIAN  
8132 Camargo Woods Court  
Cincinnati, Ohio 45243-2206

Respondent.

Case No. 2009E-012

COMPLAINT

Jean Schmidt, being first duly sworn, deposes and says as follows:

1. I have represented the Second Congressional District of Ohio in the United States Congress since January 2007.
2. I was a candidate for reelection in 2008.
3. Respondent, David Krikorian, was one of the candidates opposing me in the campaign for member of Congress from Ohio's Second Congressional District, which was decided at the November 4, 2008, general election.
4. On or about November 2, 2008, as part of his campaign, Respondent David Krikorian drafted and disseminated the letter attached hereto as Exhibit A.
5. Exhibit was designed to influence the result of the election by urging my defeat and by promoting the election of another candidate.
6. Exhibit A contains the following false statement:

"I ask the people of Ohio's second congressional district to ask themselves if our Representative should be taking money from a foreign government that is killing our soldiers?"

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OHIO ELECTIONS COMMISSION

7. The above quoted statement is not the only falsehood contained in the attached Exhibit A. Other false statements in the attached Exhibit A, are the subject of pending Ohio Elections Commission Case No. 2009E-003.

8. The above quoted sentence falsely accuses me, Jean Schmidt, of "taking money from a foreign government that is killing our soldiers". The context is clear.

9. The above quoted statement is false.

10. David Krikorian either knows that the above quoted statement is false or has made this false statement with reckless disregard of its truth or falsity.

11. Moreover, the sentence immediately following the above quoted statement states that "The linked flyer is being widely distributed across the second district in the last days of this campaign season to expose Jean Schmidt as a betrayer of American history and her Christian faith." The linked flyer to which Exhibit A refers is attached hereto as Exhibit B. Thus, the recipients of Exhibit A will understand that Jean Schmidt has taken \$30,000 in blood money from a foreign government that is killing our soldiers.

10. Neither I nor my Campaign Committee have ever "tak[en] money from a foreign government", let alone from "a foreign government that is killing our soldiers".

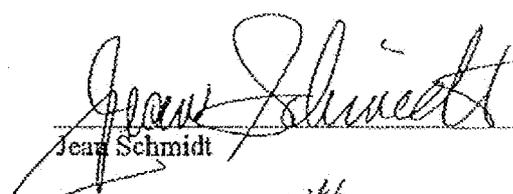
11. It is a violation of R.C. 3517.21(B)(10) to:

"Post, publish, circulate, distribute, or otherwise disseminate a false statement concerning a candidate, either knowing the same to be false or with reckless disregard of whether it was false or not, if the statement is designed to promote the election, nomination, or defeat of the candidate."

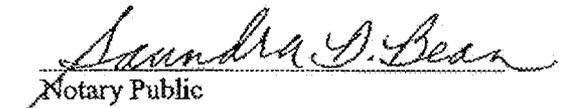
12. David Krikorian has violated R.C. 3517.21(B)(10)

WHEREFORE, Complainant requests that Respondent be found in violation of R.C.  
3517.21(B)(10), and that he be appropriately sanctioned.

Further Affiant sayeth nought.

  
\_\_\_\_\_  
Jean Schmidt

Sworn to before me and subscribed in my presence, this 14<sup>th</sup> day of July, 2009.

  
\_\_\_\_\_  
Notary Public

Sandra D. Bean  
Notary Public, District of Columbia  
My Commission Expires 7/14/2013

# **EXHIBIT 17**



**Ohio Elections Commission**

21 West Broad Street, Suite 600  
Columbus, Ohio 43215  
614-466-  
www.state.oh.us/elc

November 13, 2009

Charles Calvert  
Chairman

John R. Mrozzkowski  
Vice-Chairman

Danielle R. Blue

Bryan Fehmet

Harvey H. Shapiro

Larry Wolpert

Philip C. Richter  
Executive Director

Fax: (614) 728-9408

Case No. 2009E-003  
Schmidt, et al. v. Krikorian  
Page 1 of 3

**BRUCE FEIN  
BRUCE FEIN & ASSOCIATES, INC  
1025 CONNECTICUT AVE.  
WASHINGTON, DC 20036**

Please be advised that on, 10/1/2009 after careful consideration of the evidence, the Ohio Elections Commission adopted the following finding(s) in the above referenced matter:

**THE COMMISSION ALLOWED THE FOLLOWING STATEMENTS TO BE WITHDRAWN BY THE COMPLAINANT:**

- 1.) "Representative Jean Schmidt has taken \$30,000 in blood money to deny the Genocide of Christian Armenians by Muslim Turks.
- 2.) I demand her {Jean Schmidt} immediate withdrawal from this race and her apology to the people of the United States of America for the crime she has committed against our American soldiers and humanity by denying the undisputed facts of the Armenian Genocide.
- 3.) ... Jean Schmidt's denial of the Armenian Genocide ...
- 4.) ... Jean Schmidt's insane denial of the Christian Armenian Genocide at the hands of the Muslim Ottoman Empire.
- 6.) The facts of the Armenian Genocide are universally accepted by nations around the world, prominent scholars and statesmen and 40 U.S. states including Ohio. The only deniers of this great tragedy which led to the Holocaust of the Jews by Nazi Germany are the Turkish Government and certain member of the United States Congress including Jean Schmidt.

THE COMMISSION FOUND NO VIOLATION OF R.C. §3517.21(B)(10) AS TO THE FOLLOWING STATEMENT AS IT RELATES TO THE REFERENCE IN THIS STATEMENT TO THE ASSERTION THAT "Turkish people gave \$30,000 TO Jean Schmidt and or to Schmidt for Congress campaign committee":

- 8.) This information is public record and can be found on the Federal Elections Commission database at <http://www.FEC.gov>.  
(as this statement references facts that support the statements that Turkish people donated \$33,000.)



AN ADMINISTRATIVE DISMISSAL WAS DECLARED AS TO  
THE STATEMENT:

7.) "Jean Schmidt has taken \$30,000 in blood money from Turkish government sponsored political action committees and Turkish people in 2008 in exchange for helping them to cover-up the mass murder of 1.5 million Christians."

THE COMMISSION FOUND A VIOLATION OF R.C.  
§3517.21(B)(10) BY CLEAR AND CONVINCING EVIDENCE  
AS TO THE STATEMENT:

5.) "Jean Schmidt has taken \$30,000 in blood money from Turkish government sponsored political action committees to deny the slaughter of 1.5 million Armenian men, women and children by the Ottoman Turkish Government during World War I."

THE COMMISSION FOUND A VIOLATION OF R.C.  
§3517.21(B)(10) BY CLEAR AND CONVINCING EVIDENCE AS  
TO THE FOLLOWING STATEMENT AS IT RELATES TO THE  
REFERENCE IN THIS STATEMENT TO THE ASSERTION THAT  
"Turkish government sponsored political action committees gave  
\$30,000 to Jean Schmidt and or to Schmidt for Congress campaign  
committee":

8.) This information is public record and can be found on the  
Federal Elections Commission database at <http://www.FEC.gov>.  
(as this statement references facts that support the statements that Turkish government sponsored  
political action committees donated \$30,000.)

AS A PENALTY FOR THE VIOLATIONS FOUND BY THE  
COMMISSION IN THIS CASE, THE COMMISSION  
DETERMINED THAT THERE WAS GOOD CAUSE PRESENT  
NOT TO REFER THE MATTER FOR FURTHER PROSECUTION  
BUT INSTEAD TO ISSUE A LETTER OF PUBLIC REPRIMAND.

If the decision in this case involves the imposition of a specific fine amount,  
all fine and filing requirements must be complied with no later than 30 days after the  
date of this letter. Payment should be made payable and sent to the Ohio Elections  
Commission at the above address.

Case No. 2009E-003  
Schmidt, et al. v. Krikorian  
Page 3 of 3

If the disposition of this case involves a daily fine amount, you must contact the office in which you file your campaign finance reports and file the required report. In addition, you must file a notarized statement with the Commission in order to have the daily fine reconsidered. The filings and affidavit must be received within 30 days after the date of this letter. All properly notarized affidavits must include a statement above the notary public's signature that the document was sworn to and subscribed in the presence of the notary public and the date on which it was done.

If the decision in this case does not involve the imposition of a fine, there is no further action required of you by the Commission.

If the decision in this case is adverse to you, this case may be appealed pursuant to Ohio Revised Code §119. A Notice of Appeal must be filed in 15 days. The Notice must be filed with the Commission and also at the Clerk's office for the Franklin County Court of Common Pleas.

In all cases, please use the OEC Case No. listed at the top of this letter when corresponding with Commission. If you have any question, please feel free to contact the Commission staff at (614) 466-[REDACTED]

Very truly yours,  
Philip C. Richter  
Staff Attorney



**Ohio Elections Commission**

21 West Broad Street, Suite 600

Columbus, Ohio 43215

614-466-██████

www.state.oh.us/elc

November 13, 2009

Charles Calvert  
Chairman

John R. Mroczkowski  
Vice-Chairman

Danielle K. Blue

Bryan Felmet

Harvey H. Shapiro

Lany Wolpert

Philip C. Richter  
Executive Director

Fax: (614) 728-9908

Case No. 2009E-012

Schmidt, et al. v. Krikorian

BRUCE FEIN  
BRUCE FEIN & ASSOCIATES, INC  
1025 CONNECTICUT AVE.  
WASHINGTON, DC 20036

Please be advised that on, 10/1/2009 after careful consideration of the evidence, the Ohio Elections Commission adopted the following finding(s) in the above referenced matter:

THE COMMISSION FOUND A VIOLATION OF R.C. §3517.21(B)(10) BY CLEAR AND CONVINCING EVIDENCE AS TO THE STATEMENT:

"I ask the people of Ohio's second congressional district to ask themselves if our Representative should be taking money from a foreign government that is killing our soldiers?"

AS A PENALTY FOR THE VIOLATION FOUND BY THE COMMISSION IN THIS CASE, THE COMMISSION DETERMINED THAT THERE WAS GOOD CAUSE PRESENT NOT TO REFER THE MATTER FOR FURTHER PROSECUTION BUT INSTEAD TO ISSUE A LETTER OF PUBLIC REPRIMAND.

If the decision in this case involves the imposition of a specific fine amount, all fine and filing requirements must be complied with no later than 30 days after the date of this letter. Payment should be made payable and sent to the Ohio Elections Commission at the above address.

If the disposition of this case involves a daily fine amount, you must contact the office in which you file your campaign finance reports and file the required report. In addition, you must file a notarized statement with the Commission in order to have the daily fine reconsidered. The filings and affidavit must be received within 30 days after the date of this letter. All properly notarized affidavits must include a statement above the notary public's signature that the document was sworn to and subscribed in the presence of the notary public and the date on which it was done.

If the decision in this case does not involve the imposition of a fine, there is no further action required of you by the Commission.

If the decision in this case is adverse to you, this case may be appealed pursuant to Ohio Revised Code §119. A Notice of Appeal must be filed in 15 days. The Notice must be filed with the Commission and also at the Clerk's office for the Franklin County Court of Common Pleas.

In all cases, please use the OEC Case No. listed at the top of this letter when corresponding with Commission. If you have any question, please feel free to contact the Commission staff at (614) 466-██████

Very truly yours,  
Philip C. Richter  
Staff Attorney



# **EXHIBIT 18**

1:12 PM  
03/10/11  
Accrual Basis

Turkish Coalition of America, Inc.

		January 2009 through December 2010				
Type	Date	Num	Name	Memo	Amount	
<b>Ordinary Income/Expense</b>						
Bill	05/18/2009		Bruce Fein	Reimbursement-BF	210.00	
Bill	05/27/2009		Bruce Fein	Reimbursement-Cabs-Columbus, OHIO	132.00	
Bill	07/29/2009		Bruce Fein	BF-Reimbursement for out of pocket expense-Ohio	454.00	
Bill	09/21/2009		Bruce Fein	Reimbursement for out of pocket travel expenses	454.00	
Bill	09/22/2009		Bruce Fein	Reimbursement for out of pocket travel expenses	128.00	
Bill	01/09/2009		Bruce Fein	Taxi-Riembursement	30.00	
Bill	03/02/2009		Southwest Airline	Airplane-Bruce Fein-Ohio	245.20	
Bill	03/11/2009		Southwest Airline	Airplane-BF-Ohio-Flight change charge	48.00	
Bill	03/19/2009		Bruce Fein	Cabs-Ohio	100.00	
Bill	08/17/2009		Continental Airlines	Demir Karsan's Ticket for Deposition Cincinnati	619.20	
Bill	08/17/2009		Continental Airlines	Airplane Ticket	619.20	
Bill	09/02/2009		Southwest Airline	Airplane-David Saltzman-Ohio	301.20	
Bill	11/02/2009		Bruce Fein	Reimbusement of out of pocket expenses	200.00	
Bill	09/29/2010	1286	Bruce Fein	Airport transportation Cinn Trip Schmidt Case	65.00	
Bill	11/23/2010	1365	Bruce Fein	Airport and meeting transportation in Minn & Cinn	114.55	
Bill	08/03/2010	1199	Bruce Fein Associates Inc.	Meal Stipend lunch & Dinner Aug 2010	27.16	
Bill	09/29/2010	1286	Bruce Fein	Meal Stipend Lunch & Dinner Sep 2010	52.00	
Bill	10/06/2010	1295	Bruce Fein	Meal Stipend Lunch & Dinner Oct 2010	40.00	
Bill	09/07/2010	Auto Debit	United Airways	Bruce Cincinnati Schmidt v. Krikoran Case	383.30	
Bill	09/16/2010	Auto Debit	Expedia Travel	Bruce - Cincinnati Schmidt case	255.00	
Bill	09/20/2010	Auto Debit	Expedia Travel	Bruce - Cincinnati Schmidt v. Krikoran Hotel	137.16	
Bill	11/08/2010	AutoDebit	Delta Airline	Bruce flight - Minneapolis - Cincinnati	862.10	
Bill	11/08/2010	AutoDebit	Expedia Travel	Bruce - Cincinnati Hotel - Schmidt v Kivorkian	280.54	
Bill	11/08/2010	AutoDebit	Expedia Travel	Travel Insurance - Bruce	18.00	
Bill	12/31/2010	Auto-Debit	US Airways	Bruce Nov 2010 Cincinnati Schmidt v. Krikoran Case	235.50	
					6,011.11	

6,011.11

BF\_001  
 11-6574\_0189

# **EXHIBIT 19**

IN THE COURT OF COMMON PLEAS  
OF CLERMONT COUNTY, OHIO

JEAN SCHMIDT  
Schmidt for Congress  
8280 Montgomery Road, Suite 204  
Cincinnati, Ohio 45236

Plaintiff,

v.

DAVID KRIKORIAN  
8132 Camargo Woods Court  
Cincinnati, Ohio 45243-2206

and

KRIKORIAN FOR CONGRESS  
CAMPAIGN COMMITTEE  
215 Main Street  
Milford, OH, 45150

Defendants.

JUDGE HADDAD

Case No. 2010 CUC 1217

2010 JUN -8 PM 1:31  
BARBARA A. WIEDEMEYER  
CLERK OF COURT  
CLERMONT COUNTY, OH

FILED

COMPLAINT

Plaintiff Jean Schmidt hereby files her complaint against Defendants David Krikorian and the Krikorian for Congress campaign committee and alleges as follows:

NATURE OF THE CASE

1. The Complaint alleges causes of action for defamation and seeks compensatory and punitive damages. Defendants' defamatory statements accused Plaintiff, in various respects, of complicity in campaign finance crimes, bribery, perjury, or obstruction of justice. They were published with ill-will or spite towards Plaintiff and with knowledge of their falsity or with reckless disregard of whether they were false or not. Defendants are serial defamers in the political domain, which justifies a stiff deterrent in punitive damages to prevent chronic contamination of the electoral process.

### JURISDICTION AND VENUE

2. The court enjoys subject matter jurisdiction over these tort actions under R.C. Chapter 2305.01. Venue is proper in Clermont County under Civil Rule 3(B)(3) and (6) because it is where Defendants conducted activity which gave rise to Plaintiff's claims for relief or where all or part of the claims for relief arose.

### PARTIES

3. Plaintiff, Jean Schmidt, was a political trailblazer as the first woman to represent southern Ohio in the U.S. House of Representatives. She holds a B.A. in Political Science from the University of Cincinnati. Plaintiff Schmidt has dedicated over 35 years to laboring for the Clermont county Republican Party. Before entering national politics, Plaintiff served for eleven years as a township trustee and for five years in the Ohio House of Representatives. She has been a Member of Congress representing the second district of Ohio in the House of Representatives since she triumphed in a special election in 2005. Plaintiff Schmidt defeated Defendant Krikorian, then an independent, in the 2008 congressional election. She is a candidate again in 2010, seeking a fourth term in Congress. She is a member of the Republican Party.

4. Defendant, David Krikorian, is either the current or former managing member of Parody Productions, LLC, a Cincinnati based producer and distributor of novelty playing cards. In 2009, the Ohio Elections Commission voted to publicly reprimand Defendant Krikorian for malicious falsehoods he published about the Plaintiff on the eve of the 2008 election. He is a senior member and former Chairman of the Armenian National Committee of Ohio, a local branch of the Armenian National Committee of America (ANCA). It is the United States arm of the Armenian Revolutionary Federation, a foreign political party based in the Republic of

Armenia and which also holds seats in the national assembly of Lebanon. Krikorian currently resides at 8132 Camargowoods Ct., Cincinnati, Ohio 45243.

5. During the Ohio Elections Commission hearings in 2009, Defendant David Krikorian acknowledged that he is responsible for the actions of the campaign committee entitled "Krikorian for Congress," a Co-Defendant in this case. During Defendant's 2010 campaign, "Krikorian for Congress" was headquartered at 215 Main Street, Milford, OH, 45150. Its treasurer is Nathan Bailey. Hereinafter, Defendant David Krikorian and Krikorian for Congress shall be referred to together as "the Defendant."

#### BACKGROUND

6. Most Americans of Armenian ancestry take pride in their heritage without disparaging those of other national or ethnic backgrounds. However, certain hate groups have usurped the terms "Armenian" and "Armenian American" in a way that is unrepresentative of the character of most Americans of Armenian ancestry. These self-styled Armenian American leaders and organizations have a long history of accusing any person who declines to endorse the thesis that the Ottoman Armenian tragedy during World War I constitutes the crime of genocide of being a paid dupe of the Government of Turkey or complicit in the alleged genocide itself.

7. Most Armenian Americans do not intimidate, harass, threaten, or resort to violence against persons, organizations, or countries that dispute the Armenian genocide thesis. Nothing in this Complaint is intended to malign or cast aspersion on Armenian Americans as a group or to attribute to them the conduct and character of the hate groups and terrorist organizations that have chosen to label themselves "Armenian" or "Armenian American".

8. Two prominent Armenian terrorist organizations, the Armenian Secret Army for the Liberation of Armenia ("ASALA") and the Justice Commandos of the Armenian Genocide

("JACAG"), the former still extant in Lebanon, were labeled by the FBI as the most dangerous terrorist organizations in the United States in the 1970s and 1980s. They have committed scores of terrorist acts on U.S. soil against Turkish officials, persons of Turkish descent, and persons whom they believed disputed their one-dimensional understanding of Turkish Armenian history. ASALA and JACAG are responsible for 16 killings in North America, including five Turkish diplomats, one law enforcement officer, and ten civilians. Even U.C.L.A. Professor Stanford Shaw's home was firebombed in retaliation for his academic research on the issue.

9. Other, less violent, hate groups and hate group adherents have used different types of intimidation tactics to achieve their goals, including character assassination.

10. The first time Defendant Krikorian met Plaintiff Schmidt was in Plaintiff's congressional offices, prior to the 2008 election cycle. Defendant Krikorian demanded that Plaintiff Schmidt become a co-sponsor of a resolution condemning the government of Turkey and branding as "genocide" the war crimes committed in the Ottoman Empire a century ago. When Plaintiff Schmidt declined to immediately become a sponsor of such a resolution and said she that she would need to study the issue first, Defendant Krikorian began screaming at her, calling her names, and threatening to ruin her politically. The interview ended soon thereafter.

11. During the 2008 election cycle, Defendant Krikorian ran against Schmidt and Democratic nominee Victoria Wulsin, as an Independent and as a self-styled Reagan conservative. He placed third in the contest.

12. On the eve of the 2008 general election, Defendants publicly disseminated materials accusing Plaintiff Schmidt of being a paid dupe, which she is not. These campaign materials falsely accused Plaintiff Schmidt of taking money from the Turkish Government and from Turkish Government political actions committees to deny the Armenian holocaust, and

falsely stated that this information was a matter of public record on the Federal Elections Commission's website.

13. Plaintiff Schmidt bravely held her ground and refused to be intimidated into co-sponsoring the anti-Turkey resolution despite Mr. Krikorian's threats and despite her knowledge of the history of terrorism by certain self-styled Armenian groups in the United States.

14. In October 2009, the Ohio Elections Commission found that Defendant Krikorian had lied about Plaintiff Schmidt and voted to issue three public reprimands to Defendant Krikorian for the malicious falsehoods that he published about Plaintiff Jean Schmidt on the eve of the 2008 election.

15. After the 2008 election, Defendant Krikorian became a member of the Democratic Party and entered the 2010 race for the seat held by Representative Schmidt. During his 2010 primary campaign, Defendant Krikorian was censured by state and local leaders of his own party for making disparaging comments about the Asian-Indian name of his opponent, Mr. Yalamanchili. On May 4, 2010, Defendant Krikorian was defeated in the 2010 Democratic Primary by Surya Yalamanchili.

#### STATEMENT OF FACTS

16. In 2009, Plaintiff filed two complaints against Defendant David Krikorian before the Ohio Elections Commission for several counts of malicious false statements about Plaintiff intended to influence the outcome of the 2008 election for the second congressional district of Ohio under Ohio Revised Code 3517.21(B)(10). On the eve of balloting in November 2008, Defendant distributed a flyer and an attached letter to voters in his district containing the following statements with factual connotations: (a) Jean Schmidt has taken \$30,000 in blood money from Turkish government sponsored political action committees to deny the slaughter of

1.5 million Armenian men, women and children by the Ottoman Turkish Government during World War I (Schmidt v. Krikorian, OEC 2009E-003, 591-606); (b) This information (Turkish government sponsored political action committees gave \$30,000 to Jean Schmidt or the Schmidt for Congress campaign committee) is public record and can be found on the FEC database at <http://www.FEC.gov> (Schmidt v. Krikorian, OEC 2009E-003, 615-628); and, (c) I ask the people of Ohio's second district to ask themselves if our Representative should be taking money from a foreign government [Turkey] that is killing our soldiers (Schmidt v. Krikorian, OEC 2009E-012, 627-630).

17. On October 1, 2009, The Ohio Elections Commission ruled that the three allegations referred to above were false according to clear and convincing evidence; and, that Defendant Krikorian either knew they were false or acted with reckless disregard of whether they were false or not when he published them. (Schmidt v. Krikorian, OEC 2009E-003, 2009E-012, 606, 627, 630). The Ohio Elections Commission determined that Defendant Krikorian had knowingly lied about Plaintiff Schmidt in his effort to defeat her in the election, in violation of Ohio's election laws. The Ohio Elections Commission voted to issue letters of reprimand to Defendant Krikorian for making these false statements of fact as reflected in Exhibits 1 and 2 attached hereto.

18. Defendant Krikorian appealed the Ohio Election Commission's decision. The appeals were dismissed, making the OEC's rulings final judgments, which trigger the doctrines of res judicata and collateral estoppel.

19. The respective chairmen of the Democratic Party chapters in Hamilton and Clermont counties recently publicly condemned Defendant Krikorian's patent racial or ethnic bigotry. According to published reports, Krikorian pejoratively commented about Surya

Yalamanchili, his then opponent in the 2010 Democratic Primary campaign, before a veterans group in Clermont County. He uttered words to the effect that anyone with a name like that was unelectable. The two chairmen reacted with a letter characterizing the remark as "at best insensitive and at worst ... racist." They proclaimed their agreement with the views of Republican Party Plaintiff Schmidt: "[W]e have heard from several sources that you have made fun of Surya Yalamanchili's name. Now, for once, we find ourselves in agreement with the comments of Jean Schmidt in the comments she makes in the attached letter. Like you, Surya has put great energy into his campaign, and like you, he has won many friends along the way. It is deeply disturbing to us that you would use his name, which is obviously derived from his ethnic heritage, against him in a denigrating manner, especially given how strongly you value and celebrate your own heritage."

20. Plaintiff Schmidt earlier expressed her views on Defendant's sneering at Mr. Yalamanchili's name and ancestry in a separate letter to Defendant. She wrote: "The purpose of this letter is to give you fair warning that I will not stand by and allow you to use racism to smear your opponent's name as was reported to me by those attending a recent speech you gave. I was recently presented a report on a presentation you made to a veteran's group in Clermont County. Your remarks there were offensive to all who find even the hint of racism appalling. During your presentation you referred to your opponent repeatedly by dramatically and phonetically pronouncing his name. Poking fun at his heritage was appalling enough but your next comment was way over the line. You stated, according to those veterans present, 'Now do you really thing a guy with a name like that has a chance at ever being elected?' Mr. Krikorian, I do not think that the residents of Ohio's Second Congressional District are racists. I am shocked by your behavior. Further, I will not allow your prejudice to go unanswered. You owe Mr. Yalamanchili

and the Indian-American community an apology. Though I doubt that one is forthcoming given your history. Please conduct yourself in a manner fitting the office you seek. Racism has no place in the debate, period. Please be assured that I will continue to speak up about such conduct should it continue. I know you are new to the Democratic Party but I would venture to guess that such behavior will be particularly offensive.”

21. When MSNBC’s liberal commentator Keith Olbermann named Defendant Krikorian “the worst person in the world” for this behavior on April 30, 2010, Defendant resorted to his soundtrack that his detractors are invariably financially compromised. Yalamanchili had been employed as a brand manager at Procter & Gamble, Inc. Krikorian had seen an ad paid for by Procter & Gamble, Inc. during Mr. Olbermann’s *Countdown* show. Defendant instantly charged: “Keith Olbermann is a buffoon for not checking his sources, for not even bothering to check. But here’s one thing I will state for the record: Last night’s program was sponsored by Procter & Gamble’s Oil of Olay brand, which is the exact brand that Surya Yalamanchili worked for. So how did they cover that story last night? Because I’m sure that Keith Olbermann is not reading the Cincinnati press. So our folks think that the Oil of Olay brand people – Procter and Gamble in particular – were advancing their former employee. And that’s how it got in there. [...] I think [Olbermann] was reading from his script. So somehow that got put in there. And how did it get put in there? Well, look at the relationship between the story and the show’s sponsor. I think it’s pretty clear how it got in there.”<sup>1</sup>

22. Mr. Olbermann responded: “To flesh this out a bit: a) no advertiser “sponsors” the show. We have commercials, but b) I don’t even see the ads on the show in the studio. We could be sponsored by Crosley Radio and I wouldn’t know. And c) we checked – which

<sup>1</sup> Interview with John Wellington Ennis on <http://thinkprogress.org/2010/05/03/krikorian-conspiracy/>.

evidently Mr. Krikorian didn't know -- and we ran no Oil of Olay ads on Friday; none from Procter & Gamble. A caveat: local cable operators do get a few minutes an hour to sell. It's possible somewhere on Friday an Oil of Olay spot ran during Countdown in a given city. But those spots usually go to smaller advertisers, and even if they don't, we aren't told about them, would never know who they were, and get no money from them." He later added: "OK, now I'm told by an online viewer that P&G ads popped up before the show content on-line."<sup>2</sup>

23. Defendant Krikorian has publicly declared his passion to promote United States and international acceptance of the thesis that "genocide of Christian Armenians by Muslim Turks" occurred in 1915. Defendant perceives any dissenter from his view as a morally bankrupt enemy. Each of the malicious defamatory false statements published by Defendant about Plaintiff and chronicled below were born of these twin motivations.

24. The criminal and defamatory accusations that Defendant Krikorian has serially leveled against Plaintiff Schmidt are part of a larger endeavor to resort to violence, accusations of crime, or intimidation against persons who challenge any part of their thesis. The endeavor is led in large measure by the Armenian National Committee of America ("ANCA"). Defendant Krikorian has recently served as the chairman of the ANCA's Ohio branch, where he remains a senior member.

25. ANCA's apologia for Armenian terrorism under the banner of the Genocide thesis finds its high water mark in former ANCA Chairman Mourad Topalian. In 1999, the United States indicted Topalian, then an Ohio resident, for terrorist-linked hate crimes. He allegedly possessed machine guns and stored more than 100 pounds of high explosives near a gasoline station adjacent to a day care center in Bedford, Ohio. His indictment connected him to four

<sup>2</sup> Available at <http://cincinnati.com/blogs/politics/2010/05/03/krikorian-named-worst-person/>.

terrorist attacks in the United States: the bombing of the Turkish Mission at the United Nations Plaza on October 12, 1980; the bombing at the Turkish Consulate in Beverly Hills on November 20, 1981; and, both the attempted bombing of the offices of the Honorary Turkish Consul General in Philadelphia and his assassination on October 22, 1982.<sup>3</sup> The indictment also charged Topalian with training Armenian youths at a summer camp in the use of submachine guns and exploding booby traps, stealing munitions, and dispatching individuals to Beirut for training with international terrorists.

26. After Topalian pled guilty to several of the above charges, including those related to the storage of weapons and unstable explosives in Bedford, ANCA-Western Region lauded him with a "Freedom Award" for his dedication to advancing the Armenian Cause.<sup>4</sup> At the September 24, 2000 banquet in his honor, the master of ceremonies declared, "For more than three decades, Mourad Topalian has been one of the most active, visible, and consistent public advocates for the Armenian Cause. Against powerful opposition and at great personal sacrifice, he has advanced the cause of liberty and justice for the Armenian nation and championed the increased involvement of Armenian Americans in the American political process." Some ten weeks later, the late U.S. District Judge Ann Aldrich, N.D. Ohio, sentenced him to 37 months imprisonment.

27. Defendant Krikorian has tacitly defended or excused Mourad Topalian by his failure to speak out against him, just as silence by Muslim leaders in the United States after the attacks of 9/11 would indicate acquiescence or endorsement of the terrorist abomination. Defendant Krikorian has never voiced disapproval of Mourad Topalian or of

<sup>3</sup> Available at <http://www.un.org/documents/ga/docs/55/a55931.pdf>.

<sup>4</sup> Available at <http://www.arf.am/English/ARENNews/2000/200009.html>.

terrorism undertaken to bring publicity or avenge the alleged historical grievance of the Armenian people.

28. Defendant Krikorian served as chairman of ANCA's Ohio branch until his entry into politics and remains a senior ANCA member. ANCA published an effusive statement of political support for Defendant on May 6, 2010. Among other things, ANCA's press release stated:

Armenian American Congressional Candidate David Krikorian – a staunch advocate of first amendment speech and an outspoken opponent of genocide denial – garnered 38% of the Democratic primary vote in Ohio's second district – succumbing to baseless attacks by Republican incumbent Rep. Jean Schmidt and Democratic opponents, levied just days prior to the primary vote, reported the Armenian National Committee of America (ANCA.)

"David's commitment to running a positive, grassroots campaign reflecting the views and values of Ohio's 2nd Congressional district were met with incumbent Armenian Genocide denier -- Rep. Jean Schmidt's false accusations and political scheming -- designed to knock out her toughest Democratic opponent from the November general elections," said ANCA Eastern Region Chairman, Steve Mesrobian. "Local Democratic Party leaders followed Schmidt's disinformation campaign in lockstep and in the process did a grave disservice to Ohio 2nd district voters."

...

Rep. Schmidt, a perennial darling of the Turkish lobby for her opposition to Congressional legislation affirming the Armenian Genocide, has consistently targeted Krikorian -- most notably bringing charges before the Ohio Election Commission in 2009 to cover up references to Turkish American campaign contributions ostensibly submitted in return for her denial of the Armenian Genocide. . . .<sup>5</sup>

29. Plaintiff Schmidt's prior complaints and the three public reprimands issued to Defendant Krikorian by the Ohio Elections Commission in the resolution of cases OEC 2009E-

<sup>5</sup> Available at [http://www.anca.org/press\\_releases/press\\_releases.php?prid=1870](http://www.anca.org/press_releases/press_releases.php?prid=1870).

003 and OEC 2009E-012 were insufficient to deter his implacable campaign of defamation against Plaintiff.

30. On July 2, 2009, Asbarez.com, the online version of the Asbarez newspaper, the self-described official publication of the Armenian Revolutionary Federation of the Western United Central Committee, published an interview with Defendant Krikorian in an article entitled, "Geragos to Represent David Krikorian Against Genocide Denier."<sup>6</sup> The interviewer asked Defendant Krikorian about his accusations against Plaintiff Schmidt during the 2008 congressional campaign. Defendant Krikorian asserted as fact, among other things, that "She's [Jean Schmidt is] threatened by my campaign and is using the OEC [Ohio Elections Commission] to hide her positions and hide who's funding her campaigns." Defendant Krikorian also asserted as fact "Just like she [Jean Schmidt] voted to bailout Wall Street while accepting thousands of dollars from the banking industry, she continues to deny genocide while accepting money from Turkish interest PACs."

31. The statements referenced in paragraph 30 assert or imply the following acts of moral turpitude or crimes that can be proven true or false: (a) that Plaintiff has hidden and continues to hide the sources of her campaign funding in violation of the Federal Elections Campaign Act, 2 U.S.C. 434, 441e, 441f, 437g(d); (b) that Plaintiff has knowingly accepted money from a political action committee funded by Turkish nationals in violation of federal campaign finance laws, 2 U.S.C. 441e, 441f, 437g(d); and, (c) that Plaintiff has accepted bribes in the form of campaign contributions from Wall Street and Turkish interest PACs in exchange for official acts in violation of 18 U.S.C. 201(b)(2).

<sup>6</sup> Available at <http://www.asbarez.com/66017/geragos-to-represent-david-krikorian-against-genocide-denier/>.

32. The statements referenced in paragraph 30, individually and taken in the context of the entire interview published by Asbarez.com on July 2, 2009, are defamatory because they falsely impute to the Plaintiff corruption, deceit and the commission of criminal offenses in a manner intended to ruin the reputation and esteem of Plaintiff professionally and personally. They were factual assertions published by Defendant with ill-will or spite towards Plaintiff, and with knowledge of their falsity or with a reckless disregard of whether they were false or not.

33. During the interview published on July 2, 2009, by Asbarez.com, Defendant Krikorian further declared: "I stand by everything my campaign did during the 2008 election."

34. By making the statement referenced in paragraph 33, Defendant Krikorian republished the factual assertions already deemed false and made with knowledge of their falsity or with reckless disregard of whether they were false or not by the Ohio Elections Commission in 2009 under Ohio Revised Code 3517.21(B)(10). The OEC concluded that the following three assertions were published by Defendant with knowledge of their falsity or with a reckless disregard for whether they were false or not by clear and convincing evidence: (a) Jean Schmidt has taken \$30,000 in blood money from Turkish government sponsored political action committees to deny the slaughter of 1.5 million Armenian men, women and children by the Ottoman Turkish Government during World War I (Schmidt v. Krikorian, OEC 2009E-003, 591-606); (b) This information (Turkish government sponsored political action committees gave \$30,000 to Jean Schmidt and/or to the Schmidt for Congress campaign committee) is public record and can be found on the FEC database at <http://www.FEC.gov> (Schmidt v. Krikorian, OEC 2009E-003, 615-628); and, (c) I ask the people of Ohio's second congressional district to ask themselves if our Representative should be taking money from a foreign government that is killing our soldiers (Schmidt v. Krikorian, OEC 2009E-012, 627-630). Krikorian's appeals of

the OEC's verdicts have been dismissed, and the verdicts are now final and definitive adjudications to be given collateral estoppel effect in this litigation regarding the falsity of the statements and their publication with knowledge of their falsity or with reckless disregard of whether they were false or not. See Exhibits 1 and 2 attached hereto.

35. The statement referenced in paragraph 33 is defamatory because it accuses Plaintiff Schmidt of violations of 2 U.S.C. 434, 441e, 441f, 437g(d), 5 U.S.C. 7342(h), and the Emoluments Clause of the United States Constitution, Article I, section 9, clause 8.

36. The allegations made by Defendant in 2008 were intended exclusively for voters in the second district of Ohio. The readership of Asbarez.com, however, is not confined to residents of a specific geographical location. By reiterating his three intentional lies about Plaintiff to the readers of Asbarez.com, Defendant effectively republished them before the entirety of the English-speaking world. The statement referenced in paragraph 33 independently damaged Plaintiff's reputation, and was understood by its readers to incorporate, among other things, the three intentional defamatory lies Krikorian had made about Schmidt adjudicated by the OEC in 2009.

37. During an August 27, 2009 interview published by The Armenian Reporter online newspaper in an article entitled "In congressional run, David Krikorian is banking on the people: Says he's 'underwhelmed' with Armenian-American support so far,"<sup>7</sup> Defendant Krikorian spoke out again against Plaintiff Schmidt, making two more defamatory allegations that can be proven true or false with knowledge of their falsity or with reckless disregard of whether they were false or not and with ill-will or spite towards Plaintiff.

<sup>7</sup> Available at <http://www.reporter.am/index.cfm?furl=/go/article/2009-09-15-in-congressional-run-david-krikorian-is-banking-on-the-people&pg=1>.

38. Defendant Krikorian said: "What, I can't call [the funds Rep. Schmidt received from Turkish interests], some \$29,500, "blood money"? Of course it is "blood money"! You have got a representative who is taking money from a foreign lobby. Schmidt said in her deposition that she had no idea why she was the largest recipient of money from the Turkish lobby. Just think how stupid that sounds." Defendant Krikorian also asserted as fact that: "...the Turkish government is behind those contributions and it is my right to feel that way and it is my right to say so."

39. The statements referenced in paragraph 38 are defamatory because they accuse Plaintiff Schmidt of the following acts of moral turpitude or crime: (a) that Plaintiff accepted campaign funding from the Turkish government in criminal violation of 2 U.S.C. 441e, 437g(d); (b) that Plaintiff has hidden and continues to conceal the source of campaign contributions in criminal violation of the Federal Elections Campaign Act, 2 U.S.C. 434, 441f, 437g(d); (c) that Plaintiff is guilty of accepting money in exchange for an official act in criminal violation of 18 U.S.C. 201(b)(2), and (d) that Plaintiff is guilty of perjury under Ohio Revised Code section 2921.11.

40. The statements referenced in paragraph 38 impute to Plaintiff Schmidt corruption, fraud, and the commission of criminal acts in a manner intended to ruin the reputation and esteem of Plaintiff professionally and personally. They are factual assertions, published by Defendant with ill-will or spite towards Plaintiff and with knowledge of their falsity or with reckless disregard of whether they were false or not.

41. In his interview with The Armenian Reporter published on August 27, 2009, Defendant Krikorian also asserted as fact that: "... Schmidt is bought and paid for by the Turkish lobby and people don't like it when their representatives sell out like that."

42. In the statement referenced in paragraph 41, Defendant Krikorian accuses Plaintiff Schmidt of accepting money in exchange for official acts in violation of 18 U.S.C. 201(b)(2).

43. The statement referenced in paragraph 41 is defamatory because it imputes to Plaintiff Schmidt corruption and the commission of criminal acts in a manner intended to ruin the reputation and esteem of Plaintiff professionally and personally. It is a factual assertion, published with ill-will and spite towards Plaintiff and with knowledge of its falsity or with reckless disregard of whether it was false or not.

44. An interview with Defendant Krikorian published by The Armenian Mirror-Spectator on August 28, 2009<sup>8</sup>, contains two more defamatory statements. Defendant Krikorian asserted as fact, among other things, with regard to Schmidt's deposition under oath in the pending case of Schmidt v. Krikorian before the OEC, that "she (Plaintiff Schmidt) suggested that she had no idea that she was the leading recipient of Turkish lobby money in '08... She said that she never spoke of the Armenian Genocide resolution at any of the Turkish lobby fundraisers held on her behalf, which from my perspective is laughable... She's a liar; she's not credible. I think it's obvious that two weeks after receiving \$11,000 of Turkish lobby money she joins the Turkish caucus --- and claims there's no quid pro quo. She's an embarrassment to the district and to the country."

45. The statements referenced in paragraph 44 contain the assertion that can be proven true or false that Plaintiff Schmidt accepted bribes and illegal campaign contributions from the Turkish government in violation of 18 U.S.C. 201(b)(2) and 2 U.S.C. 441e, 437g(d);

<sup>8</sup> This is available at <http://www.mirror spectator.com/?p=1710>.

and, that she committed perjury and obstruction of justice in her deposition in Schmidt v. Krikorian in violation of Ohio Revised Code sections 2921.11 and 2921.32.

46. The statements referenced in paragraph 44 assert or imply the following acts of moral turpitude or crimes: (a) that Plaintiff has intentionally concealed the source of campaign contributions in criminal violation of the Federal Elections Campaign Act, 2 U.S.C. 434, 441f, 437g(d); (b) that Plaintiff has accepted bribes, a criminal offense under 18 U.S.C. 201(b)(2); (c) that Schmidt perjured herself and obstructed justice in her deposition in Schmidt v. Krikorian in violation of Ohio Revised Code sections 2921.11 and 2921.32; and, (d) that due to Plaintiff's alleged criminality, Plaintiff is a shameful human being unfit for public office.

47. The statements referenced in paragraph 44 are defamatory because they impute to Plaintiff Schmidt corruption, fraud, and the commission of criminal acts in a manner intended to ruin the reputation and esteem of Plaintiff professionally and personally. They are factual assertions, published by Defendant with ill-will or spite towards Plaintiff and with knowledge of their falsity or a reckless disregard for whether they were false or not.

48. In his interview with The Armenian Mirror-Spectator published on August 28, 2009, Defendant Krikorian also asserted as fact: "She was basically programmed by the Turkish lobby for that sworn deposition and it's a shame to see a sitting congressional representative act in the way she acted yesterday."

49. The statement referenced in paragraph 48 accuses Plaintiff Schmidt of perjury and obstruction of justice as a puppet of the Turkish lobby in violation of Ohio Revised Code sections 2921.11 and 2921.32.

50. The statement referenced in paragraph 48 is defamatory because it imputes to Plaintiff acts of deceit, corruption, and criminality. It is a factual assertion made by Defendant

with ill-will or spite towards Plaintiff and with knowledge of its falsity or a reckless disregard for whether it was true or false.

51. In a televised interview with Armenian-American activist Peter Mursulian (a partisan journalist for Horizon Armenian Television and Director of the ANCA-Western Region Board of Directors) in September of 2009<sup>9</sup>, Defendant Krikorian asserted as fact, among other things, the following: "I stand by the statements that I made, that my opponent in the last election, the current representative of Ohio's second congressional district, is a paid puppet of the Turkish government involved in their denial campaign to suppress the truth about the Armenian genocide."

52. The statement of fact that can be proven true or false referenced in paragraph 51 is that Plaintiff receives money from the Government of Turkey in exchange for official acts regarding the perennial Armenian genocide resolutions introduced in the U.S. Congress. The statement is defamatory because it accuses Plaintiff of bribery in violation of 18 U.S.C. 201(b)(2) and of illegal receipt of money from a foreign government in violation of the Emoluments Clause of the Constitution and 5 U.S.C. 7342(h).

53. The statement referenced in paragraph 51 was published by Defendant with ill-will or spite towards Plaintiff and with knowledge of its falsity or with reckless disregard of whether it was false or not.

54. The harm that the online publication of such a pernicious accusation can inflict upon the reputation of Plaintiff is both obvious and difficult to overcome. At present, over 11,000 viewers have accessed this video on Youtube.com alone. The video is nearly impossible to remove from circulation.

<sup>9</sup> Available at <http://www.youtube.com/watch?v=En7HhLV4oIA&feature=related>.

55. Neither Defendant Krikorian nor any member of Krikorian for Congress had ever inquired of Plaintiff Schmidt, her staff, or her campaign committee as to the truth of Krikorian's accusations of criminality or otherwise. See paragraph 25 of the attached Exhibit 3.

56. Plaintiff Schmidt has never "denied" that the Ottoman Armenian tragedy during World War I might constitute the crime of genocide. Her position as a Member of Congress has consistently been that the subject is not a fit question for Congress; and, that based on her knowledge of the historical record she cannot, at present, characterize the tragic events of 1915 in World War I as an Armenian "genocide," which has a very strict legal meaning under the Genocide Convention of 1948 and the U.S. criminal code, 18 U.S.C. 1091. As a member of Congress, she has never voted on a resolution calling these historical events genocide. She supports the formation of an international independent commission of experts to resolve the matter definitively. See Exhibit 3, paragraph 8; Exhibit 4, page 1.

57. Plaintiff Schmidt has never accepted anything of value in return for the performance of an official act (or the choice not take an official action), which would be a federal crime under 18 U.S.C. 201(b)(2). See Exhibit 4, paragraphs 5 & 14; Exhibit 4, pages 1-3.

58. It would be a crime under federal law for the Turkish government (or any foreign national) to fund a political action committee that made donations to a federal candidate seeking election to Congress, among other federal offices. 2 U.S.C. 437 g(d), 441e.

59. It would be a crime under federal law for Turkish people to make contributions to federal political campaigns for Congress, among other federal offices, if the donor were not an American citizen or permanent resident alien. 2 U.S.C. 437 g(d), 441e(b).

60. The defamatory statements enumerated herein are individually and collectively ruinous to Plaintiff professionally, locally, nationally, and abroad. They have each proximately

caused Plaintiff general and special damages in the form of permanent and irreparable injury to her reputation.

61. As a direct and proximate result of the defamatory remarks published by Defendant Krikorian, many Ohio citizens were led to believe that Plaintiff Schmidt was guilty of criminally accepting campaign contributions from a foreign government, that she was guilty of bribery, perjury and obstruction of justice, and that her loyalty was to the Republic of Turkey in lieu of the United States. Plaintiff Schmidt's public image has been irreparably damaged.

62. As a direct and proximate result of the defamatory remarks published by Defendant referenced in this complaint, Plaintiff Schmidt is now disliked by many who feel as strongly about the genocide interpretation of Ottoman Armenian history as does Defendant Krikorian, as well as by those who now believe that she took money from instrumentalities of the Turkish government as a quid pro quo. Defendant's defamatory statements have proximately caused Plaintiff stress, emotional distress, and mental pain and suffering.

63. The statements referenced herein stigmatize the Plaintiff as being guilty of crimes of moral turpitude and disloyalty to the United States. They have diminished and will continue to diminish her opportunities to speak, to write, to publish, to be interviewed, and to influence public opinion and views on United States-Turkey relations and the history of Ottoman Armenians.

64. Defendants made the statements referenced herein with actual malice and wrongful and willful intent to harm the Plaintiff. The statements were made with reckless disregard for their truth or falsity or with knowledge of their falsity and with wanton and reckless disregard of the reputation and rights of the Plaintiff. Defendants lacked reasonable ground for

making the statements enumerated herein. Indeed, Defendants knew their statements were lies when they made them.

65. Plaintiff Schmidt is entitled to punitive damages in order to deter the use of intentionally false criminal accusations against candidates to mislead the electorate and to inhibit or confound full and fair debate about Ottoman Armenian history both in and out of Congress. The United States Supreme Court elaborated on the evils of intentional lies to the democratic process in *Garrison v. Louisiana*, 379 U.S. 64, 75 (1964):

Although honest utterance, even if inaccurate, may further the fruitful exercise of the right of free speech, it does not follow that the lie, knowingly and deliberately published about a public official, should enjoy a like immunity. At the time the First Amendment was adopted, as today, there were those unscrupulous enough and skillful enough to use the deliberate or reckless falsehood as an effective political tool to unseat the public servant or even topple an administration. Cf. Riesman, *Democracy and Defamation: Fair Game and Fair Comment I*, 42 Col. L. Rev. 1085, 1088-1111 (1942). That speech is used as a tool for political ends does not automatically bring it under the protective mantle of the Constitution. For the use of the known lie as a tool is at once at odds with the premises of democratic government and with the orderly manner in which economic, social, or political change is to be effected. Calculated falsehood falls into that class of utterances which "are no essential part of any exposition of ideas, and are of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality. . . ." *Chaplinsky v. New Hampshire*, 315 U.S. 568, 572.

66. Krikorian's impenitence after receiving three reprimands from the OEC for intentional lies about Plaintiff is transparent. He has unsuccessfully brought suit in the United States District Court for the Southern District of Ohio seeking a legal sanctuary to continue to defame Plaintiff with intentional lies. *David Krikorian v. Ohio Elections Commission et al.*, Case No. 1:10-cv-00103, (attempting to argue that the First Amendment provides a blanket immunity for all speech during a political campaign). Punitive damages are imperative to deter

Defendant from continuing to harass, intimidate, and vex Plaintiff with knowing falsehoods to the detriment of Plaintiff, the democratic process and the voters of Ohio.

COUNT I – DEFAMATION PER SE

67. Plaintiff incorporates by reference into this count the preceding allegations of this complaint.

68. During the interview published on July 2, 2009, Defendant Krikorian asserted as fact: “She’s (Jean Schmidt is) threatened by my campaign and is using the OEC to hide her positions and hide who’s funding her campaigns.”

69. It can be proven true or false whether Plaintiff has hidden the sources of her campaign contributions. Defendant’s statement accuses Plaintiff of criminality in violation of the Federal Elections Campaign Act, 2 U.S.C. 434, 441f, 437g(d). The statement was published with ill-will or spite towards Plaintiff and with knowledge of its falsity or with a reckless disregard for whether it was false or not.

70. The publication of this statement caused general and special damages to the Plaintiff. Defendants knew, anticipated, foresaw, and intended that the statement would be read by persons throughout the United States and the world and would damage the reputation of the Plaintiff. The statement has adversely affected the Plaintiff’s professional credibility, speaking, writing, interview, media, and fund-raising opportunities, causing Plaintiff Schmidt psychological trauma and suffering and monetary losses.

COUNT II – DEFAMATION PER SE

71. Plaintiff incorporates by reference into this count the preceding allegations of this complaint.

72. During the interview published on July 2, 2009, Defendant Krikorian asserted as fact: “Just like she (Jean Schmidt) voted to bailout Wall Street while accepting thousands of dollars from the banking industry, she (Jean Schmidt) continues to deny genocide while accepting money from Turkish interest PACs.”

73. Defendant’s statement accuses Plaintiff of knowingly accepting money from a political action committee funded by Turkish nationals in violation of federal campaign finance laws, 2 U.S.C. 441e(a)(1)(2); and, of accepting bribes in the form of campaign contributions from Wall Street and Turkish interest PACs in exchange for official acts in violation of 18 U.S.C. 201(b)(2).

74. This statement was published by Defendant with ill-will or spite towards Plaintiff and with knowledge of its falsity or with reckless disregard for whether it was false or not.

75. The publication of this statement caused general and special damages to the Plaintiff. Defendants knew, anticipated, foresaw, and intended that the statement would be read by persons throughout the United States and the world and would damage the reputation of the Plaintiff. The statement has adversely affected the Plaintiff’s professional credibility, speaking, writing, interview, media, and fund-raising opportunities, causing Plaintiff Schmidt psychological trauma and suffering and monetary losses.

### COUNT III -- DEFAMATION PER SE

76. Plaintiff incorporates by reference into this count the preceding allegations of this complaint.

77. During the interview published on July 2, 2009, by Asbarez.com, Defendant Krikorian declared: “I stand by everything my campaign did during the 2008 election.”

78. By making this statement, Defendant republished the factual assertions already deemed false and made with knowledge of their falsity or with reckless disregard of whether they were false or not by the Ohio Elections Commission in 2009 under Ohio Revised Code 3517.21(B)(10). The OEC concluded that the following three statements had factual connotations and were published by Defendant with knowledge of their falsity or with a reckless disregard for whether they were false or not by clear and convincing evidence: (a) Jean Schmidt has taken \$30,000 in blood money from Turkish government sponsored political action committees to deny the slaughter of 1.5 million Armenian men, women and children by the Ottoman Turkish Government during World War I (Schmidt v. Krikorian, OEC 2009E-003, 591-606); (b) This information (Turkish government sponsored political action committees gave \$30,000 to Jean Schmidt and/or to the Schmidt for Congress campaign committee) is public record and can be found on the FEC database at <http://www.FEC.gov> (Schmidt v. Krikorian, OEC 2009E-003, 615-628); and, (c) I ask the people of Ohio's second congressional district to ask themselves if our Representative should be taking money from a foreign government that is killing our soldiers (Schmidt v. Krikorian, OEC 2009E-012, 627-630). See the attached Exhibits 1 and 2.

79. Krikorian's appeals of the OEC's verdicts have been dismissed, and the verdicts are now final and definitive adjudications to be given collateral estoppel effect in this litigation as to the falsity of Defendant's allegations and their publication with malice.

80. The statement referenced in paragraph 77, in context, accuses Schmidt of taking money from a foreign government in violation of 5 U.S.C. 7342(h) and the Emoluments Clause of the U.S. Constitution, Article I, section 9, clause 8; of bribery in violation of 18 U.S.C. 201(b)(2); and, of receiving illegal campaign contributions in violation of 2 U.S.C. 441e,

437g(d). These accusations of crime against Plaintiff were published with ill-will or spite towards Plaintiff and with knowledge of their falsity or with reckless disregard of whether they were false or not.

81. The publication of the statements caused general and special damages to the Plaintiff. Defendants knew, anticipated, foresaw, and intended that the statements would be read by persons throughout the United States and the world and would damage the reputation of the Plaintiff. The statements have adversely affected the Plaintiff's professional credibility, speaking, writing, interview, media, and fund-raising opportunities, causing Plaintiff Schmidt psychological trauma and suffering and monetary losses.

#### COUNT IV – DEFAMATION PER SE

82. Plaintiff incorporates by reference into this count the preceding allegations of this complaint.

83. During an August 27, 2009 interview published by The Armenian Reporter in an article entitled "In congressional run, David Krikorian is banking on the people: Says he's 'underwhelmed' with Armenian-American support so far," Defendant Krikorian made the following statement with a defamatory factual assertion that could be proven true or false: "What, I can't call [the funds Rep. Schmidt received from Turkish interests], some \$29,500, "blood money"? Of course it is "blood money"! You have got a representative who is taking money from a foreign lobby. Schmidt said in her deposition that she had no idea why she was the largest recipient of money from the Turkish lobby. Just think how stupid that sounds." Defendant Krikorian also asserted as fact that: "...the Turkish government is behind those contributions and it is my right to feel that way and it is my right to say so."

84. The statements referenced in paragraph 83 are defamatory because they accuse Plaintiff Schmidt of the following acts of moral turpitude or crime: (a) that Plaintiff accepted campaign funding from the Turkish government in criminal violation of 2 U.S.C. 441e, 437g(d); (b) that Plaintiff has hidden and continues to conceal the source of campaign contributions in criminal violation of the Federal Elections Campaign Act, 2 U.S.C. 434, 441f, 437g(d); and, (c) that Plaintiff is guilty of accepting money in exchange for an official act in criminal violation of 18 U.S.C. 201(b)(2).

85. The statements referenced in paragraph 83 are defamatory because they impute to Plaintiff Schmidt corruption, fraud, and the commission of criminal acts in a manner intended to ruin the reputation and esteem of Plaintiff professionally and personally. They are factual assertions, published with ill-will or spite towards Plaintiff and with knowledge of their falsity or with reckless disregard of whether they were false or not. Defendant was placed on specific notice that these statements were false during the discovery processing eh OEC hearings held to resolve cases 2009E-003 and 2009E-012. See Exhibit 4 attached hereto.

86. The publication of the statements caused general and special damages to the Plaintiff. Defendants knew, anticipated, foresaw, and intended that the statements would be read by persons throughout the United States and the world and would damage the reputation of the Plaintiff. The statements have adversely affected the Plaintiff's professional credibility, speaking, writing, interview, media, and fund-raising opportunities, causing Plaintiff Schmidt psychological trauma and suffering and monetary losses.

#### COUNT V -- DEFAMATION PER SE

87. Plaintiff incorporates by reference into this count the preceding allegations of this complaint.

88. During an August 27, 2009 interview published by The Armenian Reporter in an article entitled "In congressional run, David Krikorian is banking on the people: Says he's 'underwhelmed' with Armenian-American support so far," Defendant Krikorian asserted as fact: "... Schmidt is bought and paid for by the Turkish lobby and people don't like it when their representatives sell out like that."

89. Defendant Krikorian's statement accuses Plaintiff Schmidt of accepting money in exchange for official acts in violation of 18 U.S.C. 201(b)(2). It is defamatory because it imputes to Plaintiff Schmidt corruption and the commission of criminal acts in a manner intended to ruin the reputation and esteem of Plaintiff professionally and personally. The statement was published with ill-will or spite towards Plaintiff, and with knowledge of their falsity or with reckless disregard of whether they were false or not. Defendant was placed on specific notice that these statements were false during the discovery processing eh OEC hearings held to resolve cases 2009E-003 and 2009E-012. See Exhibit 4 attached hereto, pages 1-3.

90. The publication of this statement caused general and special damages to the Plaintiff. Defendants knew, anticipated, foresaw, and intended that the statement would be read by persons throughout the United States and the world and would damage the reputation of the Plaintiff. The statement has adversely affected the Plaintiff's professional credibility, speaking, writing, interview, media, and fund-raising opportunities, causing Plaintiff Schmidt psychological trauma and suffering and monetary losses.

#### COUNT VI - DEFAMATION PER SE

91. Plaintiff incorporates by reference into this count the preceding allegations of this complaint.

92. In his August 28, 2009 interview with The Armenian Mirror-Spectator, Defendant Krikorian asserted as fact, among other things, that "She's (Plaintiff Schmidt is) a liar; she's not credible. I think it's obvious that two weeks after receiving \$11,000 of Turkish lobby money she joins the Turkish caucus — and claims there's no quid pro quo. She's an embarrassment to the district and to the country."

93. The statement contains the assertion that can be proven true or false that Plaintiff Schmidt accepted bribes and illegal campaign contributions from the Turkish government in violation of 18 U.S.C. 201(b)(2) and 2 U.S.C. 441e, 437g(d), and that she committed perjury and obstruction of justice in her deposition in *Schmidt v. Krikorian* in violation of Ohio Revised Code sections 2921.11 and 2921.32.

94. The statement referenced in paragraph 92 asserts or implies the following acts of moral turpitude or crimes: (a) that Plaintiff has intentionally concealed the source of campaign contributions in criminal violation of the Federal Elections Campaign Act, 2 U.S.C. 434, 441f, 437g(d); (b) that Plaintiff has accepted bribes, a criminal offense under 18 U.S.C. 201(b)(2); (c) that Schmidt perjured herself and obstructed justice in her deposition in *Schmidt v. Krikorian* in violation of Ohio Revised Code sections 2921.11 and 2921.32; and, (d) that due to Plaintiff's alleged criminality, Plaintiff is a shameful human being unfit for public office.

95. The statement referenced in paragraph 86 is defamatory because it imputes to Plaintiff Schmidt corruption, fraud, and the commission of criminal acts in a manner intended to ruin the reputation and esteem of Plaintiff professionally and personally. They are factual assertions, published by Defendant with ill-will or spite towards Plaintiff and with knowledge of their falsity or a reckless disregard for whether they were false or not. Defendant was placed on

specific notice that these statements were false during the discovery process in the OEC hearings held to resolve cases 2009E-003 and 2009E-012. See Exhibit 4 attached hereto, pages 1-3.

96. The publication of this statement caused general and special damages to the Plaintiff. Defendants knew, anticipated, foresaw, and intended that the statement would be read by persons throughout the United States and the world and would damage the reputation of the Plaintiff. The statement has adversely affected the Plaintiff's professional credibility, speaking, writing, interview, media, and fund-raising opportunities, causing Plaintiff Schmidt psychological trauma and suffering and monetary losses.

#### COUNT VII - DEFAMATION PER SE

97. Plaintiff incorporates by reference into this count the preceding allegations of this complaint.

98. In his August 28, 2009 interview with The Armenian Mirror-Spectator, Defendant Krikorian asserted as fact, among other things, that "She (Plaintiff Schmidt) was basically programmed by the Turkish lobby for that sworn deposition and it's a shame to see a sitting congressional representative act in the way she acted yesterday."

99. The statement is defamatory because it accuses Plaintiff Schmidt of perjury and obstruction of justice in violation of the Ohio Revised Code sections 2921.11 and 2921.32 in a manner intended to ruin the reputation and esteem of Plaintiff professionally and personally.

100. The statement was published with ill-will or spite towards Plaintiff and with knowledge of its falsity or with reckless disregard of whether it was false or not. Defendant was placed on specific notice that these statements were false during the discovery process in the OEC hearings held to resolve cases 2009E-003 and 2009E-012. See Exhibit 4 attached hereto, page 5.

101. The publication of this statement caused general and special damages to the Plaintiff. Defendants knew, anticipated, foresaw, and intended that the statement would be read by persons throughout the United States and the world and would damage the reputation of the Plaintiff. The statement has adversely affected the Plaintiff's professional credibility, speaking, writing, interview, media, and fund-raising opportunities, causing Plaintiff Schmidt psychological trauma and suffering and monetary losses.

COUNT VIII – DEFAMATION PER SE

102. Plaintiff incorporates by reference into this count the preceding allegations of this complaint.

103. In an interview with Armenian-American activist Peter Mursulian in September of 2009, Defendant Krikorian stated the following: "I stand by the statements that I made, that my opponent in the last election, the current representative of Ohio's second congressional district, is a paid puppet of the Turkish government involved in their denial campaign to suppress the truth about the Armenian genocide."

104. The statement of fact that can be proven true or false is that Plaintiff receives money from the Government of Turkey in exchange for official acts regarding the perennial Armenian genocide resolutions introduced in the U.S. Congress. The statement is defamatory because it accuses Plaintiff of bribery in violation of 18 U.S.C. 201(b)(2) and of illegal receipt of money from a foreign government in violation of the Emoluments Clause of the Constitution and 5 U.S.C. 7342(h).

105. The statement was published by Defendant with ill-will or spite towards Plaintiff and with knowledge of its falsity or with reckless disregard of whether it was false or not. Defendant was placed on specific notice that these statements were false during the discovery

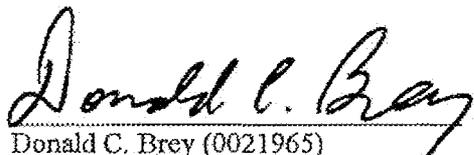
process in the OEC hearings held to resolve cases 2009E-003 and 2009E-012. See Exhibit 4 attached hereto.

PRAAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment against the Defendants, jointly and severally, as follows:

- (a) Compensatory damages in the amount of \$500,000 on each Count;
- (b) Punitive damages in the amount of \$350,000 on each Count;
- (c) Pre-judgment and post-judgment interest on each Count; and,
- (d) Such other and further relief to which Plaintiff may be entitled.

Respectfully submitted,



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4831-7709-6198, v. 3

# **EXHIBIT 20**

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BEFORE THE OHIO ELECTIONS COMMISSION  
- - - - -

Jean Schmidt and :  
Schmidt for Congress, :  
Complainants, :  
vs. Case No. 2009E-093 :  
Mr. David Krikorian, :  
Respondent. :

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DEPOSITION OF BARRY P. BENNETT  
- - - - -

Taken at Chester Willcox & Saxbe, LLP  
65 East State Street, Ste. 1000  
Columbus, OH 43215  
August 31, 2009, 3:23 p.m.

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Spectrum Reporting LLC  
333 Stewart Avenue, Columbus, Ohio 43206  
614-444-████ or 800-635-████  
www.spectrumreporting.com  
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A P P E A R A N C E S

ON BEHALF OF COMPLAINANT:

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By Donald C. Brey, Esq.

ON BEHALF OF THE COMPLAINANT:

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By Bruce Fein, Esq.

ON BEHALF OF RESPONDENT:

Finney Stagnaro Saba & Patterson  
2623 Erie Avenue  
Cincinnati, OH 45208  
By Christopher P. Finney, Esq.

ALSO PRESENT:

David Krikorian

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Monday Afternoon Session

August 31, 2009, 3:23 p.m.

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STIPULATIONS

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It is stipulated by counsel in attendance that the deposition of Barry P. Bennett, a witness herein, called by the Defendant for cross-examination, may be taken at this time by the notary by notice and agreement, that said deposition may be reduced to writing in stenotypy by the notary, whose notes may thereafter be transcribed out of the presence of the witness; that proof of the official character and qualification of the notary is waived.

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I N D E X

Examination By	Page
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Defendant's Exhibits	Page
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B - TCA Issue Paper-57	21
C - Contribution list	41
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E - Letter to Finney from Schmidt	70

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1 Barry P. Bennett  
2 being first duly sworn, testifies and says as  
3 follows:

4 CROSS-EXAMINATION

5 BY MR. FINNEY:

6 Q. Can you please state your name and  
7 address for the record.

8 A. Sure. Barry Bennett, Barry Patrick  
9 Bennett, 14 West Oak Street, Alexandria, Virginia  
10 22301.

11 Q. And what role do you hold with Jean  
12 Schmidt's Congressional office?

13 A. I'm the chief of staff.

14 Q. Okay. And this might seem rudimentary,  
15 but is that the top staff position in that office?

16 A. Yes.

17 Q. And you oversee all the operations of  
18 that office?

19 A. Uh-huh.

20 Q. I'm sorry. Have you ever had your  
21 deposition taken before?

22 A. Yes.

23 Q. Okay. When you answer, you need to say  
24 yes or no. Uh-huhs and huh-uhs --

1 A. It's hard to type. Sorry about that.

2 Q. And the other rule is that when I'm  
3 talking, you're not allowed to talk, and when  
4 you're talking, I'm not allowed to talk. This  
5 young lady tells me that she can type very fast,  
6 she just can't type what other people are saying  
7 at the same time.

8 A. Got it.

9 Q. Okay. So we violated both of those  
10 rules within the first two minutes of your  
11 deposition.

12 A. Perfect.

13 Q. So my question is you then oversee all  
14 of Ms. Schmidt's Ohio and Washington operations;  
15 is that correct?

16 A. That is correct.

17 Q. Okay. And you've done that since she  
18 was elected to Congress?

19 A. No, I didn't come on -- I came on a  
20 little later.

21 Q. Okay. When was that?

22 A. I want to say I started in October or  
23 November. She was elected I believe in June or  
24 July and took office in September. I wasn't there

1 in the beginning.

2 Q. When is it that you first got

3 introduced to the issue of the Armenian Genocide,

4 what we refer to in this case as the Armenian

5 Genocide?

6 A. I don't recall an exact date as to when

7 I became aware of it. I remember the press clips

8 of President Bush asking Speaker Hastert to not

9 have a vote, but I don't even remember when that

10 was. It was a Washington Post story, so that was

11 probably it.

12 Q. And did you have any understanding of

13 the Armenian Genocide just from your schooling or

14 your studies prior to that, or did all of your

15 knowledge and understanding about that come after

16 this issue started appearing in Congress and after

17 that request of Bush to Speaker Hastert not to

18 have that vote?

19 A. Yeah, probably post that, uh-huh.

20 Q. Can you tell me what Ms. Schmidt's

21 position is with respect to the resolution before

22 Congress to acknowledge the Armenian Genocide?

23 A. No.

24 Q. You don't know what her position is?

1 A. No, I mean --

2 MR. FEIN: This speech of debate

3 clause, you're asking for a position as a member

4 of Congress voting on something that would be on

5 the Floor, that's speech or debate at the very

6 heart of her legislative duties.

7 MR. FINNEY: Okay. So you are

8 objecting and telling him not to answer?

9 MR. FEIN: Yes. I'm instructing him

10 not to answer that question.

11 MR. FINNEY: Okay. Thank you.

12 Q. Has Ms. Schmidt written anything on the

13 Armenian Genocide that would not be covered by

14 that privilege, in other words to outside groups

15 or organizations or e-mails to constituents or

16 otherwise?

17 A. If I could inquire, are you talking

18 about the resolution or the issue of what happened

19 in 1915?

20 Q. Let's start with the resolution.

21 A. She's written an article in -- that was

22 published, yes, about the resolution about how we

23 shouldn't take this up right now.

24 Q. What should not what?

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1 A. We should not take this up in the  
 2 House.

3 Q. And is that the article from Today's  
 4 Zaman or that's elsewhere?

5 A. Uh-huh.

6 Q. Uh-huhs don't transcribe.

7 A. Yes, sorry. Yes.

8 Q. Okay. So it's Ms. Schmidt's publically  
 9 stated position that she was against the two  
 10 resolutions that have been produced in the 110th  
 11 and the 111th Congress relating to the Genocide;  
 12 is that correct?

13 A. That is incorrect.

14 Q. That is --  
 15 incorrect.

16 Q. I'm sorry, I thought you just said she  
 17 said it's an issue we shouldn't take up?

18 A. Wait. You assumed that that means that  
 19 she's against it. That's assumption I'm not  
 20 making.

21 Q. Well, why don't you tell me what that  
 22 means, then.

23 A. Not hearing a bill is different from  
 24 whether you support it or not. It's a calendar

1 issue, not -- and a -- a logistics issue versus a  
 2 content of the bill issue.

3 Q. Okay. Let's talk about the Today's  
 4 Zaman article that's been marked as an exhibit in  
 5 Ms. Schmidt's deposition.

6 A. Okay.

7 Q. And it's been marked as an exhibit in  
 8 Mr. Fein's deposition.

9 - - - - -

10 Thereupon, Defendant's Exhibit A is marked  
 11 for purposes of identification.

12 - - - - -

13 Q. Now, have you seen this article before?

14 A. Yeah.

15 Q. And --

16 A. I believe. I didn't look at it. Yes.

17 Q. Okay. I had a bunch of copies of that  
 18 made so I could look at it at the same time, and  
 19 now I'm not putting my hands on it.

20 (A short recess is taken.)

21 Q. Let's just talk about the Today's Zaman  
 22 article. How is it that that article came about?  
 23 I had never heard of Today's Zaman before. How is  
 24 it that your office got involved in writing an

1 article for Today's Zaman?

2 A. I had met a reporter in Turkey who  
3 e-mailed me and asked if we would be interested in  
4 submitting an article.

5 Q. Okay. When did you go to Turkey?

6 A. I've been there twice.

7 Q. Okay. Why don't you tell me about both  
8 times.

9 A. The first time was a year ago August  
10 for five days. And the second time was this --  
11 right before Memorial Day for seven days.

12 Q. Of this year?

13 A. Uh-huh.

14 Q. Uh-huhs don't work.

15 A. Yes. I'm sorry. Sorry.

16 Q. Okay. And the one before Memorial Day  
17 this year is the one you went along with  
18 Ms. Schmidt on; is that right?

19 A. Yes.

20 Q. Okay. And the August of '08 trip, tell  
21 me about that. Was that part of your official  
22 duties as a staff member --

23 A. Correct.

24 Q. -- for a member of Congress?

1 A. Yes.

2 Q. And who sponsored that trip?

3 A. The Rumi Forum.

4 Q. The what?

5 A. The Rumi Forum.

6 Q. What is that?

7 A. Rumi Forum, it's a cultural and  
8 education based group based in Turkey.

9 Q. Is that the same one that paid for the  
10 Memorial Day -- the one before Memorial Day of  
11 this year?

12 A. No.

13 Q. Who paid for the one this year?

14 A. The TCA, Turkish Coalition of America,  
15 whatever it's called.

16 Q. Okay. And why don't you tell me about  
17 the Rumi Forum.

18 A. Uh-huh.

19 Q. Who funds that? Is that funded by the  
20 Turkish government or --

21 A. No.

22 Q. How is that funded?

23 A. It's the Rumi Forum. It's a U.S.-based  
24 group that funds it.

1 Q. A nonprofit organization?

2 A. Uh-huh.

3 Q. And why did they invite you to Turkey

4 in August of '08?

5 A. They invited I don't remember exactly

6 how many chiefs of staff, but a bipartisan

7 delegation of chiefs of staff went over.

8 Q. And what did you do while you were

9 there?

10 A. Toured the country, met with government

11 officials, met with, you know, schools, you know,

12 got a feel for what it's like to live in Turkey.

13 Q. And so it was on that trip that you met

14 a reporter that solicited an editorial from you?

15 A. Yeah. One of our visits as I remember

16 was with local reporters.

17 Q. And this particular editorial was

18 written to coincide with the trip that President

19 Obama took to Turkey; is that right?

20 A. It was published to coincide. I don't

21 know that it was necessary written --

22 Q. So Ms. Schmidt testified that you

23 participated or took the lead in drafting this; is

24 that right?

1 A. Correct.

2 Q. And did somebody else on your staff

3 work on that, or is that something you wrote?

4 A. I think I wrote with her help most of

5 it.

6 Q. Okay. And at the time it was written,

7 you did not know or contemplate that it would be

8 published in -- to coincide with President Obama's

9 visit?

10 A. I had no idea what day they would

11 publish it.

12 Q. Did you know that President Obama was

13 going to Turkey at the time you were writing it?

14 A. I knew that he was going. I don't know

15 that I knew the dates, but I knew that was going

16 to be his first big trip.

17 Q. So you knew that it was a possibility

18 that they would use it as counterbalance to

19 President Obama's trip?

20 A. I knew that it was a possibility and I

21 knew that it wasn't a possibility, I guess. I

22 don't know.

23 Q. Okay. Okay. Do you know if any other

24 members of Congress also wrote in Today's Zaman

1 editorials about US policies toward Turkey?  
2 A. I'm not a regular reader of Today's  
3 Zaman.  
4 Q. Is this something that's fairly common  
5 that members of United States Congress would write  
6 for local papers of other countries?  
7 A. Quite.  
8 Q. Has Ms. Schmidt done that in any other  
9 country?  
10 A. I'm not sure that we've been published.  
11 I'm not certain. I'm not certain to tell you the  
12 truth. I don't know.  
13 Q. Have you submitted editorials for use  
14 in other countries?  
15 A. I haven't personally, no.  
16 Q. Okay. I had asked Ms. Schmidt and I  
17 will ask you the same question. She says in the  
18 closing paragraph -- well, first of all, her  
19 testimony was that she didn't either hand-write  
20 anything or do anything on a word processor --  
21 A. Right.  
22 Q. -- that everything came off of your pen  
23 or word processor; is that right?  
24 A. Yeah, she doesn't use a computer.

1 Q. So she -- you and she, she said,  
2 discussed this, and then you ended up writing it;  
3 is that right?  
4 A. Yeah. Basically, yes.  
5 Q. Did she approve the final draft of  
6 this?  
7 A. Yes.  
8 Q. Okay. And then the closing paragraph  
9 says, "What happened in 1915 must never be  
10 forgotten. To quote the great poet Maya Angelo,  
11 'History cannot be un-lived, despite its wrenching  
12 pain, but if faced with courage, need not be lived  
13 again.'"  
14 A. Uh-huh.  
15 Q. What is it that -- so you're -- this is  
16 Ms. Schmidt telling the people of Turkey or  
17 whoever reads the daily Zaman what happened in  
18 1915 must not be forgotten.  
19 A. Uh-huh.  
20 Q. And what is it that happened in 1915  
21 that she was reminding?  
22 A. Hundreds of thousands of people died on  
23 both sides. It was awful.  
24 Q. And why don't you tell me about that.

1 What did happen? What are the events of 1915 that  
2 you were commemorating?

3 A. Well, World War I happened. The break  
4 up of the Ottoman Empire happened. I mean, there  
5 was a lot of fighting. A lot of people died.  
6 Atrocities -- I don't know. I don't know what the  
7 definition is, but a lot of things happened.

8 Q. Okay. And is that the sum and  
9 substance of what your understanding is that we're  
10 supposed to remember about what happened in 1915?

11 A. I'm not -- I've not been given the task  
12 nor executed the task of determining what we  
13 should all remember about 1915. I can only tell  
14 you that my understanding is hundreds of thousands  
15 of people on both sides of the issue and a lot of  
16 foreign fighters, too, all perished in Turkey. It  
17 was very bloody.

18 Q. I'm just saying it was you and/or  
19 Ms. Schmidt reminding people we shouldn't forget  
20 those events. I'm just asking you what they were.  
21 What exactly happened in 1915, and how was it that  
22 all of these people died?

23 MR. BREY: Objection, foundation. I  
24 think he stated what he knows. But go ahead if

1 you can answer the question.

2 A. World War I happened.

3 Q. Okay. So when Mrs. Schmidt says -- or  
4 when you said from your pen, "What happened in  
5 1915 must never be forgotten..." you're just  
6 referring to World War I?

7 A. The deaths -- the hundreds of thousands  
8 of deaths on both sides that occurred.

9 Q. Okay. What was the period of time when  
10 World War I occurred?

11 A. 1911. I don't know when it ended. I'm  
12 not a history buff.

13 Q. So why did you pick out 1915  
14 specifically when you wrote this?

15 A. It's the date that's commonly referred  
16 to in Turkey about what happened.

17 Q. This event that's referred to is at  
18 least by some as the Genocide; is that right?

19 A. Uh-huh.

20 Q. It has to be yes or no.

21 A. Yes. I'm sorry. I'm very sorry. I'm  
22 making your job very difficult. I'm sorry.

23 Q. Now, Mrs. Schmidt -- at least from your  
24 -- what you've said is her position on the

1 Armenian Genocide resolution is that it just  
2 shouldn't be on the House calendar one way or the  
3 other; is that right? It shouldn't be voted on?

4 A. I'm being very delicate here. The  
5 article says that we should not take up the  
6 resolution.

7 Q. Okay. And that's Mrs. Schmidt's  
8 position on that; is that right?

9 MR. BREY: Objection as to relevancy.  
10 Her current position or position as of  
11 November 2008 are different questions.

12 Q. Okay. Well, let's ask what was her  
13 position in November 2008 with respect to taking  
14 up the resolution.

15 A. I don't know. I didn't talk to her  
16 about it in November 2008.

17 Q. So this just reflects what her position  
18 was in April of 2009; is that right?

19 A. That's the first time we sat down and  
20 talked about it -- about, you know, this article,  
21 yes.

22 Q. When did you finalize that article and  
23 submit it to Today's Zaman?

24 A. I have no idea.

1 Q. Was it --

2 A. I don't know the dates, you know.

3 Q. It was obviously after you went over  
4 there in August of '08?

5 A. Yeah. Yeah. I don't know what the --  
6 what was the date of publishing? You know, it  
7 would have been in that time frame. I don't know  
8 what the --

9 Q. The --

10 A. It doesn't seem to have a published  
11 date on here.

12 Q. It was published in April of '09. You  
13 submitted it just shortly before that?

14 A. Probably, yeah.

15 Q. Okay.

16 MR. BREY: My copy is dated June -- oh,  
17 I see.

18 MR. FINNEY: Actually, it's backwards.

19 MR. BREY: I'm reading backwards.

20 You're right.

21 Q. Off the record.

22 (A short recess is taken.)

23 Q. I've given you what's been marked as  
24 Exhibit B.

1                   - - - - -  
 2                   Thereupon, Defendant's Exhibit B is marked  
 3 for purposes of identification.

4                   - - - - -

5 Q.               Have you seen this document before?

6 A.               No.

7 Q.               Why don't you take a minute to read it  
 8 and I will ask you some questions about it.

9                   In a previous deposition this was  
 10 identified as a publication of the Turkish  
 11 Coalition of America and something that Mr. Fein  
 12 at least participated at some point in drafting  
 13 some versions of it. My question is in the third  
 14 paragraph -- I'm sorry, the fourth paragraph it  
 15 talks about Mrs. Schmidt's position on the  
 16 Armenian Genocide and the resolutions pending in  
 17 Congress.

18 A.               Uh-huh.

19 Q.               The first sentence says, "Congresswoman  
 20 Schmidt has on numerous occasions voiced her  
 21 opposition to such resolutions and maintains that  
 22 the historical question is not appropriate for  
 23 Congress to legislate." Do you see that?

24 A.               Yep.

1 Q.               Does that accurately reflect  
 2 Mrs. Schmidt's position as of November the 4th of  
 3 2008?

4 A.               Well, it doesn't really state her  
 5 position. It says -- it makes a statement which  
 6 says --

7 Q.               Well, it says --

8 A.               -- that "...on numerous occasions she  
 9 voiced her opposition..." I don't remember any  
 10 of those.

11 Q.               So let's just stop there. To your  
 12 knowledge, is that statement true or untrue?

13 A.               I don't think it's wholly true.

14 Q.               Is it partially true?

15 A.               I -- I don't know in November 4, 2008  
 16 to tell you the truth. I mean, I just didn't have  
 17 a conversation with her then, so I didn't know  
 18 what -- I mean, this issue wasn't really -- as you  
 19 well know, this was not really a big issue of  
 20 concern in southwest Ohio. I just don't remember  
 21 talking to her about it.

22 Q.               Do you know why someone would say that  
 23 if it's not true?

24 A.               You're asking -- no, I don't know why

1 people say a lot of things.

2 Q. And then the next sentence, "The  
3 Congresswoman, based upon her independent  
4 research, does not believe the tragic events of  
5 World War I, in which both Armenians and Turks  
6 were killed in barrowing number, constitute  
7 genocide..." Do you see that?

8 A. Uh-huh.

9 Q. So to paraphrase the sentence, it says:  
10 The Congresswoman does not believe that these  
11 events, which we refer to as the Armenian  
12 Genocide, constitute genocide. Do you see that?

13 A. Yes.

14 Q. Does that accurately reflect  
15 Mrs. Schmidt's position as of January the -- I'm  
16 sorry, November the 4th of 2008?

17 A. Again, I don't know. I didn't have  
18 that conversation with her in November of 2008. I  
19 just don't remember talking to her about it.

20 Q. Does that -- I'm sorry. Go ahead.

21 A. I just don't remember talking to her  
22 about it.

23 Q. Okay. Does that accurately reflect her  
24 position as of today?

1 MR. BRET: Objection. Relevancy.

2 Q. The way this works is unless your  
3 attorney -- and he can tell you this. Unless he  
4 tells you not to answer, you should go ahead and  
5 answer after the objection. He's just preserving  
6 the objection.

7 A. I believe as I understand her position  
8 today is that she can't call it genocide and she  
9 can't say it wasn't genocide, that she just  
10 doesn't know.

11 Q. So the affirmative statement saying  
12 that the Congresswoman does not believe the tragic  
13 events constitute genocide --

14 A. It's a partial truth.

15 Q. It's partially true in what sense?

16 A. That she hasn't called it genocide.

17 Q. Well, it says she does not believe they  
18 constitute genocide.

19 A. She has not said -- she has not called  
20 it genocide. She has not called it not genocide.

21 Q. Okay. And is it true that -- do you  
22 know when --

23 A. Excuse me. I'm sorry. He was  
24 distracting me. I mean, that's -- I mean, we can

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1 play word games, but I mean, that's a perfectly  
2 reasonable position to have in my view. Sorry. I  
3 believe it was the same position your campaign  
4 manager had.

5 Q. When you went to Turkey either time in  
6 August of '08 or in April or May of '09 --

7 A. Uh-huh.

8 Q. -- did you talk to anyone there about  
9 the Armenian Genocide issue?

10 A. I may have. Certainly no one from the  
11 government. I mean, I only remember one  
12 government meeting and it was at the Foreign  
13 Ministry, and we were much more interested in  
14 Iraq, the PKK and the Israeli peace process.

15 Q. Are you aware that it's a crime for  
16 Turkish citizens to talk about the Armenian  
17 Genocide?

18 MR. FEIN: Foundation. Foundation.

19 A. I'm not aware of any of the -- very  
20 many of the laws in Turkey.

21 Q. So the answer to that question is no?

22 A. The answer --

23 MR. FEIN: Foundation is -- I object.

24 There's no foundation laid for the question.

1 MR. FINNEY: Okay. We understood the  
2 objection. Are you instructing him not to answer?

3 MR. FEIN: No, I'm not instructing him  
4 not to answer, but I just want to make clear --

5 MR. FINNEY: You were clear, you said  
6 it four times.

7 MR. FEIN: -- that my objection is  
8 foundation.

9 MR. FINNEY: Yeah, we got that part.

10 MR. FEIN: Okay.

11 Q. So I'm --

12 A. I would not consider myself familiar  
13 with Turkish law.

14 Q. Now, tell me how Mrs. Schmidt's  
15 campaigns are run. I asked her this question, and  
16 she said that essentially you're in charge of  
17 running the campaign; is that right?

18 A. Well, we have a campaign manager. Her  
19 name is Sara Drier in the last election.

20 Q. Really. She told me there was no  
21 campaign manager.

22 A. If you look at the FEC reports, which  
23 I'm sure you have, you will see that Sara Drier  
24 was the campaign manager.

1 Q. Is there a reason why Mrs. Schmidt  
 2 would not know that?  
 3 A. You would have to ask Mrs. Schmidt that  
 4 question.  
 5 Q. So how are the campaigns run on a  
 6 day-to-day basis then?  
 7 A. Campaign manager.  
 8 Q. What is your role in running the  
 9 campaigns?  
 10 A. I -- I am a -- I offer my two bits, I  
 11 try to stay at the 30,000-foot view and, you know,  
 12 I weigh in on advertising and polling, that kind  
 13 of stuff, but not from the day-to-day perspective.  
 14 I just don't have the bandwidth to do that.  
 15 Q. That's remarkable only that completely  
 16 contradicts everything that Mrs. Schmidt told me  
 17 repeatedly on that topic during her deposition.  
 18 MR. BREY: I would object to your  
 19 statement of her testimony. I don't think that's  
 20 quite accurate, although the transcript will say  
 21 one way or the other. But if you have a question,  
 22 you certainly may have a question rather than  
 23 stating the testimony.  
 24 Q. Have you read Mrs. Schmidt's deposition

1 transcript?  
 2 A. Not entirely.  
 3 Q. From this case you've read parts of it,  
 4 though?  
 5 A. Part of it, uh-huh.  
 6 Q. And did you disagree with anything that  
 7 she said about how her campaign was run based upon  
 8 that transcript?  
 9 A. No, I can see why she said that.  
 10 Q. You can see why she said that you were  
 11 the person who manages her campaign?  
 12 A. Well, I mean I hired the campaign  
 13 manager, I -- you know, sure, I'm ultimately  
 14 responsibility in her eyes.  
 15 Q. And then are you active then in the  
 16 fundraising operation of her campaign?  
 17 A. I don't think I attended any of the  
 18 district-based fundraisers.  
 19 Q. I don't know if I asked if you attended  
 20 fundraisers. Are you active in helping her raise  
 21 funds for her campaign?  
 22 A. Sure.  
 23 Q. You are. And how -- what role do you  
 24 play in that regard?

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1 A. Not a day-to-day role by any stretch,  
 2 but I, you know, like to know what's going on.  
 3 Q. And why is that something that you  
 4 would bother yourself with as her chief of staff?  
 5 A. Well, I think that's -- it's not just  
 6 me, most chiefs of staff are very involved in  
 7 knowing what's going on. Goals to reach, I want  
 8 to make sure we reach our goals.  
 9 Q. I don't understand that. The campaign  
 10 has goals to reach or the Congressional office --  
 11 A. The campaign has goals to reach.  
 12 Q. And you're responsible as the chief of  
 13 staff of the Congressional office to see to it  
 14 that the campaign goals are reached?  
 15 A. I'm not responsible as chief of staff.  
 16 I'm responsible in that, you know, she's a friend  
 17 and I want her to get re-elected.  
 18 Q. I see. Who is Phil Greenberg?  
 19 A. Phil Greenberg is our fundraiser.  
 20 Q. Okay. And he worked with you on  
 21 raising funds for the Schmidt campaign?  
 22 A. He did the raising of funds.  
 23 Q. Okay. Did you work with him on that?  
 24 A. I don't know -- if you could

1 describe -- you know, clarify the question a  
 2 little bit. "Work with him," what do you mean?  
 3 Q. Well, would you identify targets for  
 4 fundraising?  
 5 A. No, he would do that.  
 6 Q. Would you identify individuals to talk  
 7 to about fundraising or groups from which to  
 8 fund-raise?  
 9 A. No, he created all those lists.  
 10 Q. What role would you then have in the  
 11 fundraising operation?  
 12 A. I would want to make sure that there  
 13 was a campaign plan and that the target and where  
 14 we are on the target and making sure that we  
 15 reached our numbers.  
 16 Q. Okay. E-mail, when e-mail is addressed  
 17 to schmidtforcongress@fuse.net, who receives that  
 18 e-mail?  
 19 A. I think Peter, but I'm not certain.  
 20 Q. Do you receive that e-mail?  
 21 A. No.  
 22 Q. Do you -- do you --  
 23 A. I think fuse.net is a service in  
 24 Cincinnati. I'm not certain. I think that's the

1 case, but I --

2 Q. You've never logged in to  
3 schmidtforcongress@fuse.net?

4 A. No.

5 Q. Do you receive campaign related e-mails  
6 at any of your e-mail addresses?

7 A. Sure.

8 Q. And what e-mail address would you  
9 receive campaign related e-mail?

10 A. I have a personal Blackberry, my home  
11 computer.

12 Q. At what your e-mail address?

13 A. (Excerpted out and bound separately.)

14 MR. BREY: I would ask that that  
15 information could be used by you in connection  
16 with this case but not be publically disseminated.

17 MR. FINNEY: I don't know how. If we  
18 file this transcript, I'm not sure how to prevent  
19 that. But if you want to come up with a mechanism  
20 to do that just to black it out or something, I  
21 don't need to use it. I didn't even write them  
22 down when he said them.

23 MR. BREY: I would ask that that be  
24 separately transcribed from the rest of the

1 transcript. If there's some reason why you need  
2 that particular question and answer, we can sort  
3 that out.

4 (A short recess is taken.)

5 Q. And so you would receive campaign  
6 related e-mails at those two addresses?

7 A. Uh-huh.

8 Q. You have a Congressional office e-mail  
9 address?

10 A. I do.

11 Q. And do you receive any campaign-related  
12 e-mails to that address?

13 A. Not on purpose, but every now and then,  
14 sure. I can't stop people from sending things.

15 Q. And then do you log into the -- I think  
16 you said it's barryandmelissa account --

17 A. Uh-huh.

18 Q. -- do you log into that from the  
19 Congressional office?

20 A. No.

21 Q. How is it that you then --

22 A. I don't really -- I can't log-in  
23 remotely. Maybe you can, I haven't figure it out  
24 how to do it.

1 Q. Did you receive phone calls from Phil  
2 Greenberg at the Congressional office?

3 A. I'm --

4 Q. Did you during the course of the 2008  
5 campaign receive phone calls from Phil Greenberg  
6 at the Congressional office?

7 A. I'm sure I got personal calls, yes, on  
8 my Blackberry, my personal Blackberry.

9 Q. Uh-huh. But not at the Congressional  
10 office?

11 A. Well, I don't know where I was  
12 physically, but I'm sure I got -- it would be odd  
13 that I didn't get one while I was there one day.

14 Q. What about calls through the  
15 Congressional office phone system?

16 A. Everybody's instructed not to call me  
17 through that number. Again, that doesn't mean a  
18 crazy person can't call you, and they do.

19 Q. Okay. And then who is Jennifer  
20 Pielsticker?

21 A. Jenn is the scheduler in the office.

22 Q. She's the scheduler in the  
23 Congressional office?

24 A. Uh-huh.

1 Q. But she also does the scheduling for  
2 the campaign?

3 A. Schedulers are permitted to do both.  
4 You're allowed to keep one calendar so that the  
5 offices are coordinated under House rules.

6 Q. Is she paid by the campaign?

7 A. No, she's paid by the House.

8 Q. And then what was your interaction with  
9 the campaign manager throughout the 2008 campaign  
10 Sara Drier?

11 A. She would call if she had a question  
12 that she needed answered.

13 Q. Would you be involved daily or weekly?  
14 Did you get involved --

15 A. Certainly not daily, maybe not even  
16 weekly.

17 Q. Okay. And then do you handle media  
18 inquiries relating to the campaign as well?

19 A. If someone calls me, I'm permitted to  
20 talk to them under House rules.

21 Q. And how many hours a week would you  
22 spend working on campaign matters versus  
23 Congressional office matters during the 2008  
24 campaign?

1 A. I have no idea. I mean I worked -- I  
 2 love my job. I work a lot.

3 Q. Would you work more than five hours a  
 4 week, let's say, during the closing three months  
 5 of the campaign on campaign-related matters?

6 A. I don't know. I don't have a schedule  
 7 to -- I mean, I don't know how I would go back and  
 8 tell you definitively how many hours I worked.

9 Q. When we say "worked," you interact with  
 10 Phil Greenberg?

11 A. Yeah.

12 Q. You interacted with Sara Orier?

13 A. Uh-huh.

14 Q. Who else would you interact with on  
 15 campaign-related matters?

16 A. The polster, the television guy, all of  
 17 those kind of people.

18 Q. And what interaction would you have  
 19 with -- who is your polster for the campaign?

20 A. Tarrance Company, Tarrance Group.

21 Q. And who would you interact with there?

22 A. It depends. Probably Brian Tringali,  
 23 but he has several people that work for him, so it  
 24 could have been any of them.

1 Q. Okay. And then the TV guy, meaning the  
 2 people who are writing and creating your TV  
 3 commercials?

4 A. Uh-huh.

5 Q. And what interactions would you have  
 6 with them?

7 A. I would talk to them, I mean, about  
 8 scripts, maybe about some ideas and production  
 9 schedules and all that kind of stuff.

10 Q. And when you did those activities, do  
 11 you do those from the Congressional office --

12 A. No.

13 Q. -- or you have some other office at  
 14 which you do that?

15 A. Yeah. The way the National Republican  
 16 Congressional Committee is set up is there's a  
 17 bullpen of a number of offices that you can go  
 18 over and grab at any time with a computer and a  
 19 phone in each, or you could just stay at home and  
 20 do it at home.

21 Q. I didn't ask what you can do. I asked  
 22 you --

23 A. That's what I did, both of those.

24 Q. You would never handle any

1 Congressional campaign matters from the  
2 Congressional office?  
3 A. No.  
4 Q. And what would you do if you received a  
5 call relating to the campaign?  
6 A. House rules say you can continue the  
7 call. You shouldn't instigate a call. You should  
8 try to avoid it.  
9 Q. If somebody calls you at the office,  
10 you're allowed to engage --  
11 A. The New York Times calls me and asks  
12 about political things, I'm allowed to talk about  
13 it.  
14 Q. I wasn't asking about New York Times.  
15 I'm talking about coordinating with the polster,  
16 the TV guy and the fundraiser.  
17 A. Yeah. As long as they didn't call on  
18 official resources. They're calling me on my  
19 private cell, I can take the call, I can go  
20 outside, I can go to the NRCC. I do all of those  
21 things.  
22 Q. And are you allowed to take the call  
23 and continue it in the Congressional office?  
24 A. Yes.

1 Q. And you do that on a regular basis?  
2 A. No.  
3 Q. Okay. Now, did you have the  
4 opportunity to be -- to become aware of the fact  
5 that Ms. Schmidt was raising significant amounts  
6 of money from Turkish PACs and from Turkish  
7 American individuals during the course of the 2008  
8 Congressional campaign?  
9 A. I would answer no because I don't term  
10 those amounts as significant.  
11 Q. What was the total amount of money you  
12 raised during the 2000 --  
13 A. You know, I don't know. I've seen the  
14 numbers that you guys have thrown around, but I  
15 don't -- even that number is not significant in my  
16 eyes.  
17 Q. I'm sorry. You need to let me finish  
18 my questions before you answer if you don't mind.  
19 A. I'm sorry. You stopped so I thought  
20 you were finished.  
21 Q. What was the total amount of money you  
22 raised during the 2008 Congressional campaign?  
23 A. No clue.  
24 Q. Well, you just told me you were

1 involved with setting goals and making sure you  
2 met those goals. What were those goals?

3 A. I don't know. I don't remember.

4 Q. Okay. And the \$30,000 number that we  
5 -- that has been brought up as the subject of this  
6 complaint you say is not a significant amount of  
7 money to raise for Ms. Schmidt?

8 A. Not in, you know, a million-dollar  
9 race, no, it's not.

10 Q. Are you aware of the fact that she is  
11 the number one recipient of contributions from  
12 Turkish PACs and Turkish American individuals in  
13 the nation?

14 A. I don't believe that she is.

15 Q. Okay. Do you know why she would  
16 attract so much money from Turkish PACs and  
17 Turkish American donors?

18 A. Absolutely.

19 Q. Why?

20 A. Because Mr. Krikorian has made her  
21 famous.

22 Q. And tell us how that is.

23 A. Because he's calls her a genocide  
24 denier and he calls her all of these names, and

1 it's all published out there and people see it.

2 Q. Is Ms. Schmidt a genocide denier?

3 A. Not in my eyes.

4 Q. Are you aware of the two fundraisers  
5 that Ms. Schmidt had with -- with Turkish donors  
6 in the course of the 2008 campaign?

7 A. Which fundraisers are you speaking of?

8 Q. There was one at Cafe Istanbul in  
9 February of 2008 and the second one in New York  
10 City in May of 2008.

11 MR. BREY: Objection. By "Turkish," do  
12 you mean Turkish-American as those two words as  
13 opposed to Turkish nationals?

14 Q. Well, that's an excellent question.  
15 Mrs. Schmidt's -- let's see if I can find it here.  
16 -- I don't -- those pages got taken off of this  
17 document.

18 MR. FINNEY: Do you have the two pages  
19 with the donor names from the prior depo?

20 THE REPORTER: This one?

21 MR. FINNEY: Yeah. Let me see it.

22 Why don't we go ahead and make a copy  
23 of that.

24 (A short recess is taken.)

1 Q. Okay. We're going to mark this as C.  
 2  
 3 Thereupon, Defendant's Exhibit C is marked  
 4 for purposes of identification.  
 5  
 6 Q. I've shown you what's been marked as  
 7 Exhibit C.  
 8 A. Okay.  
 9 Q. This has been represented to me in  
 10 prior depositions as part of the document  
 11 production that we have, and this is your  
 12 fundraising database of Turkish or  
 13 Turkish-American donors, but there's a tic --  
 14 there's an entry in this database that references  
 15 -- I just had it -- oh, if you look on the third  
 16 and fourth pages, it says Turkish event 2-18-08.  
 17 Do you see that?  
 18 A. Uh-huh.  
 19 Q. So your campaign refers to these things  
 20 as Turkish events, right?  
 21 A. They apparently did, uh-huh.  
 22 Q. Uh-huh. So when I'm talking about  
 23 there were two Turkish events held for your  
 24 campaign, I'm just referring to your own

1 terminology.  
 2 A. Well, one of them is labeled a Turkish  
 3 event.  
 4 Q. Right. So can you tell me about --  
 5 A. They all seem to have American  
 6 addresses.  
 7 Q. And your point being?  
 8 A. These seem to be Americans.  
 9 Q. People with American addresses are  
 10 Americans?  
 11 A. Largely.  
 12 Q. So --  
 13 MR. BREY: What page are we on?  
 14 THE WITNESS: This is the third page.  
 15 MR. BREY: Okay. I got you.  
 16 Q. So I think the question that I had --  
 17 why don't you read me the question we had before  
 18 we broke.  
 19 (The record is read as requested.)  
 20 Q. All right. Do you know why -- who  
 21 hosted these two events, do you know?  
 22 A. I don't know.  
 23 Q. And do you know why these events were  
 24 hosted?

1 A. I assume for the purpose of supporting  
2 Jean's campaign.

3 Q. And why would Turkish groups want to  
4 get together to support Jean's campaign?

5 A. I assume because she's been vilified by  
6 the Armenians, but I have no idea.

7 Q. That's the second time you've told me  
8 that. What vilification came from Armenians  
9 and/or Mr. Krikorian and his campaign prior to  
10 February of '08 and May of '08?

11 A. I don't -- I don't know. I mean, I --  
12 it was ongoing in his campaign and the ANCA  
13 literature.

14 Q. What's the ANCA literature?

15 A. Armenian National -- I don't know what  
16 the acronym stands for.

17 MR. FBIN: Committee of America.

18 Q. So ANCA and Mr. Krikorian consistently  
19 were writing about Mrs. Schmidt in a negative  
20 light as it related to the Armenian Genocide  
21 before February of '08 and May of '08?

22 A. I believe so.

23 Q. And but can you reference any specific  
24 document that would support that?

1 A. I don't have any with me, no.

2 Q. And why would they have negative things  
3 to say about Mrs. Schmidt in February of '08 and  
4 May of '08 if she had --

5 A. Mr. Krikorian was running against her.  
6 He had a lot of negative things to say about her  
7 and always has.

8 Q. What if I told you Mr. Krikorian hadn't  
9 even announced he was running in February of '08?

10 A. I -- it could be. I don't know.

11 Q. But I thought you said that the reason  
12 that people were giving to Mrs. Schmidt was  
13 that --

14 A. Mr. Krikorian had already said things  
15 -- it doesn't mean -- just because he hadn't filed  
16 as a candidate doesn't mean he hadn't said things.

17 Q. And in what forum? Was he reported in  
18 the Enquirer? Did he write letters to the editor?  
19 Did he publish things?

20 A. I don't know. I don't know. Like I  
21 said, I don't have any specific documents in front  
22 of me.

23 Q. But you are the one that's saying --

24 A. Well, he's the one that came in with

1 ANCA in the office and got all hot and had this,  
 2 you know, exchange and it's been, you know -- I  
 3 understand it's a cause near and dear to his  
 4 heart, and I appreciate his fervor. But, you  
 5 know, he's a little misguided in my view.

6 Q. But why would the visit to the  
 7 Congressional office spur Turkish donations? I  
 8 don't understand that.

9 A. Because they were talking about it. We  
 10 never put out a press release about, you know,  
 11 Armenian Genocide. It was, you know, irrelevant  
 12 to our district almost. I mean --

13 Q. Okay. Well, while we've got the donor  
 14 list in front of us, why don't we look at it real  
 15 quickly. Who is Yalcin Ayasli?

16 A. I believe -- I don't know what his role  
 17 is, but I know that he's involved in TCA.

18 Q. Have you met him?

19 A. I've met him once.

20 Q. Has he also been the host of a  
 21 fundraiser for Mrs. Schmidt -- I'm sorry, a  
 22 reception for Mrs. Schmidt?

23 A. For Mrs. Schmidt?

24 Q. Uh-huh.

1 A. Not that I'm aware of.

2 Q. Did he travel with you and Mrs. Schmidt  
 3 to Turkey in spring of this year?

4 A. No. As I recall, he was there on the  
 5 last day.

6 Q. And what was the event of the last day  
 7 at which --

8 A. It was a dinner for the Congressional  
 9 folks.

10 Q. Okay. And did you and Mrs. Schmidt sit  
 11 with him?

12 A. No. Well, I don't remember who she sat  
 13 with; I didn't.

14 Q. How do you remember meeting him?

15 A. As I remember, as -- as folks went in,  
 16 there was a greeting line and I was introduced to  
 17 him and shook his hand.

18 Q. And who was Kaya Boztepe?

19 A. I have no idea.

20 Q. And who is Sandy Gurbuz?

21 A. I don't know.

22 Q. You point out appropriately that most  
 23 of these donors live in the United States, but  
 24 almost none of them live in Mrs. Schmidt's

1 district. Why would all of these people who don't  
2 live in Ms. Schmidt's district have such a great  
3 interest in her race?

4 A. I don't know. I don't know, you'd have  
5 to ask them that question.

6 Q. Let's talk about the complaint that was  
7 brought in this matter. Mr. Fein testified at  
8 length I guess that you made some kind of a filing  
9 with the House Ethics Committee that would allow  
10 the Turkish American Legal Defense Fund to fund  
11 this legal action against Mr. Krikorian; is that  
12 right?

13 A. There's no -- the Ethics doesn't have  
14 any per se [sic] over FEC rules.

15 Q. Well, I didn't say they did. I'm just  
16 telling you --

17 A. You said we made a filing. No, there's  
18 -- no such filing was made.

19 Q. I'm just telling you what Mr. Fein told  
20 me. Mr. Fein tells us that the reason -- let me  
21 just try to relate to you in summary what Mr. Fein  
22 said. He said shortly after the November 2008  
23 election, he pursued legal action against  
24 Mr. Krikorian by trying to get him criminally

1 prosecuted by the attorney general of the state of  
2 Ohio and the Hamilton County prosecutor, both of  
3 which were unsuccessful.

4 A. Uh-huh.

5 Q. He said the reason for the delay in  
6 April of '09 of filing this complaint was that in  
7 the meantime they were awaiting an opinion from  
8 the House Ethics Committee that would allow the  
9 Turkish American Legal Defense Fund to fund the  
10 legal action against Mr. Krikorian. That  
11 essentially summarizes what Mr. Fein testified to  
12 this morning and early this afternoon.

13 A. Uh-huh.

14 Q. Do you know anything about that?

15 A. No.

16 Q. You made no filing, no attempt to --

17 A. The House Ethics Committee deals with  
18 the House, not with the campaign.

19 Q. Well, how does this deal with  
20 campaigns?

21 A. With the -- this happened in the course  
22 of the campaign. The -- the commission where this  
23 is filed deals with the campaigns, not the House  
24 of Representatives.

1 Q. And there's no ethics issue associated  
2 with Turkish American Legal Defense Funds paying  
3 for Ms. Schmidt's legal fees?

4 A. No, not that I'm aware of.

5 Q. Okay. And you've neither sought nor  
6 received any clearance or approval from the House  
7 Ethics Committee to allow that to proceed?

8 A. No, not that I'm aware of.

9 Q. Okay. Whose idea was it to bring this  
10 complaint to begin with?

11 A. Congresswoman Schmidt's.

12 Q. Explain that to me.

13 A. It was her idea to begin doing this.

14 Q. And so at some point she related that  
15 to you?

16 A. Yes.

17 Q. And when was that?

18 A. I think soon after it happened, soon  
19 after the flyers were put on the Catholic churches  
20 -- cars in the parking lots in Catholic churches.  
21 She was adamant about not allowing someone to lie  
22 about her and say that she had committed a crime.

23 Q. Okay. And then at some point you  
24 retained legal counsel to represent Mrs. Schmidt

1 in this matter?

2 A. Uh-huh.

3 Q. So you -- you then contacted someone or  
4 someone contacted you about that?

5 A. I think I talked to Lincoln McCurdy who  
6 introduced me to Bruce I believe.

7 Q. And then -- so you had a meeting with  
8 Mr. Fein?

9 A. Yes.

10 Q. And was Ms. Schmidt present at that  
11 meeting?

12 A. Yes.

13 Q. And when was that?

14 A. I believe it was in -- it's before the  
15 year was out. I would guess early December, but I  
16 can't give you an exact date.

17 Q. Early December 2008?

18 A. Yes.

19 Q. Okay. And with respect to the  
20 arrangement for the payment of -- is there a  
21 retainer letter between you -- is there some kind  
22 of engagement --

23 MR. BREY: Objection.

24 MR. FINNEY: Let me finish the question

1 and then you can object, okay?

2 Q. Is there some sort of engagement letter

3 between you and Mr. Brey and/or you and Mr. Fein?

4 MR. BREY: Objection. I instruct the

5 witness not the answer.

6 Q. Okay. Were you involved in the

7 negotiation of that engagement letter?

8 MR. BREY: Objection. I instruct the

9 witness not to answer.

10 Q. Okay. How was it that the complaint

11 itself was drafted? Who participated in the

12 drafting of the complaint?

13 MR. BREY: Objection. I instruct the

14 witness not to answer.

15 MR. FINNEY: Okay. On what basis?

16 MR. BREY: Privilege.

17 MR. FINNEY: The client is Mrs.

18 Schmidt.

19 MR. BREY: Right.

20 MR. FINNEY: And the attorney is

21 Mr. Fein. I'm asking Mr. Bennett, who's neither

22 of those people and is not an attorney, to tell me

23 what involvement that he had in the drafting of

24 the complaint.

1 MR. BREY: Mr. Bennett --

2 MR. FINNEY: If he had any involvement

3 in the drafting of the complaint, it wouldn't be

4 privileged.

5 MR. BREY: Well, actually, that's not

6 true. Because we have made it clear all along we

7 represent both Mrs. Schmidt and the campaign

8 committee. And as he has testified, he has a role

9 on behalf of the campaign committee. He hired the

10 campaign manager and oversees a great many things,

11 albeit from a 30,000-foot basis. So

12 communications we had with him in his -- are in

13 those capacities.

14 MR. FINNEY: Okay. Why don't we get

15 Phil Richter on the line to talk about that.

16 MR. BREY: Okay. It's also work

17 product. Let me get his number. I left it in the

18 other room.

19 (A short recess is taken.)

20 MR. FINNEY: We're not going to get

21 him, so we'll ask him at the hearing. Just let it

22 go.

23 (A short recess is taken.)

24 MR. RICHTER: Hello, gentleman. What's

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1 up?

2 MR. BREY: We have a disagreement about  
3 a question of privilege.

4 MR. RICHTER: Privilege, okay.

5 MR. BREY: We're now deposing Barry  
6 Bennett. Barry Bennett is chief of staff of Jean  
7 Schmidt's Congressional office, and he is also the  
8 person who hired the campaign manager and is  
9 ultimately responsible for the campaign, which he  
10 does, you know, at least according to his  
11 testimony on his own dime or his own Blackberry  
12 and other sorts of things. The questions -- I  
13 think there are about three of them that I  
14 objected and instructed the witness not to answer  
15 on the grounds of privilege, and they're also we  
16 believe work product protected and also fall afoul  
17 of the standard that we agreed upon at the  
18 beginning with Mr. Krikorian's deposition of --  
19 unless it has some bearing on specific allegations  
20 of the complaint, it's not going to be explored  
21 and fished into. The --

22 MR. RICHTER: Okay.

23 MR. BREY: The questions deal with who  
24 -- communications and drafting of the complaint

1 that we filed. "We" being Bruce Fein and Don Brey  
2 filed on behalf of Jean Schmidt in connection with  
3 our representation of her as a individual and a  
4 representation of the campaign committee.

5 Chris Finney can express his view. My  
6 understanding which may be a misunderstanding is  
7 that he thinks we can object as to communications  
8 with Jean Schmidt but not with -- with Barry  
9 Bennett.

10 MR. FINNEY: Yeah, Phil, the complaint  
11 is brought in the name of Jean Schmidt. I've  
12 asked the question if there was an engagement  
13 letter that was -- whereby Mr. Fein was retained  
14 on behalf of either Ms. Schmidt or the campaign  
15 committee, the answer is we're not going to tell  
16 you. Mr. Bennett is the chief of staff of the  
17 Congressional office, not of the campaign. He's  
18 testified that someone else was the hired campaign  
19 manager for the campaign. And I've asked him how  
20 it was that the complaint was drafted and what  
21 role he had in it. He is neither the attorney for  
22 Mrs. Schmidt. To my knowledge, he's not an  
23 attorney at law. And he's not -- he doesn't have  
24 any official role with the campaign, but more

1 importantly Mrs. Schmidt is the complainant in  
2 this matter, and I'm just asking what role he had  
3 in the drafting of the complaint and his attorney  
4 is instructing him not to answer.

5 MR. BREY: Phil, it's not usual for a  
6 for a named party that may not be the -- that you  
7 do represent as counsel in the Elections  
8 Commission, but may not be the only entity or  
9 person you represent. You know, for example,  
10 whenever an entity files something, they have to  
11 file it through a named party who is -- who signs  
12 an affidavit. You know, that's how it works.  
13 Sometimes, you know, we name that party as a party  
14 to the complaint, sometimes we don't, you know,  
15 for various reasons.

16 But Mr. Bennett has testified that he  
17 is the person who hires, on behalf of the  
18 campaign, the campaign manager who is accountable  
19 to him, that he doesn't involve himself on a  
20 day-to-day basis, but he does involve himself on  
21 the big pictures, on television ads and other ads  
22 and he -- and he makes decisions about that. You  
23 know, he doesn't do the fundraising, but he makes  
24 sure that there's a fundraising plan and -- and

1 makes sure that the plan is met. He is the person  
2 who is the normal person that would represent the  
3 campaign committee in connection with -- with  
4 issues relating to this, and that was our -- the  
5 basis of our communication.

6 You know, there's -- you know, that  
7 creates an attorney/client privileged  
8 relationship, and you can't breach that  
9 relationship on the ground that he has another job  
10 on behalf of the office. I mean, I don't know  
11 that he did anything -- there was some questions  
12 about what -- whether he did any of this political  
13 stuff by virtue of his status as chief of the  
14 office, and I believe his answers were generally  
15 no.

16 MR. FINNEY: Phil, I think what we  
17 would find -- well, do you know what, we talk  
18 these things to death. I think it's a pretty  
19 simple issue. I don't want to argue it over and  
20 over. But the reality is he's a Congressional  
21 staffer, not a campaign staffer, yet he  
22 participated in the drafting of the complaint and  
23 I want to know what his role is. There's no  
24 privilege involved.

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1 MR. BREY: Well, we believe there is a  
2 privilege. We also believe that even if there  
3 weren't a privilege, which there is and that's the  
4 prime basis for our objection, there is -- there  
5 is nothing that's relevant to his role in drafting  
6 the complaint as to the merits of the complaint.  
7 You know, we're talking about a -- the drafting  
8 took place this year. We're talking about the  
9 truth or falsity of statements that took place --  
10 that were made in November of 2008. And,  
11 actually, let's call Chris Finney and his  
12 so-counsel. But I think there has been an attempt  
13 to make Bruce Fein and his counsel be the issue of  
14 activities that took place in 2009 which have not  
15 been linked up in any way, shape or form to -- to  
16 money going into Jean Schmidt's campaign, which is  
17 one of the allegations, or to her in 2008. You  
18 know, there is a privilege; it's a clear  
19 privilege. Saying that there's no privilege  
20 doesn't make it so. And there's work product in  
21 addition to the attorney/client privilege. And  
22 the matter is irrelevant and goes far beyond the  
23 standard which was enunciated by Chris Finney at  
24 the June 1, 2009 deposition of -- of

1 Mr. Krikorian, that unless -- unless it's going to  
2 be, you know, directly relevant to one of the  
3 allegations at hand, we're not going to go into  
4 it. And I think that's what's happening here.

5 MR. FINNEY: Phil, I really don't want  
6 to talk these things to death, I want to get home  
7 tonight so --

8 MR. RICHTER: Well, I understand. And  
9 I don't want to necessarily want to get involved  
10 with it either. I guess I'm -- if the assertions  
11 are relating to Mr. Krikorian statements about,  
12 you know, the blood money, all that kind of stuff,  
13 what the -- the nature of who prepared what and  
14 their involvement in preparing the complaint now  
15 has to do with information relating to those  
16 statements.

17 MR. FINNEY: Well, first of all,  
18 because we intend to go after the parties involved  
19 for frivolous complaint at that hearing, and I  
20 want to talk about how it is that these statements  
21 were made and what people knew about them. Mr. --  
22 there's a key article that was written by Mr. Fein  
23 in which he basically says that Ms. Schmidt is an  
24 Armenian Genocide denier and yet -- I'm sorry.

1 Did I -- that's -- I misstate the record?

2 MR. BREY: That is absolutely false and  
3 has been denied by every witness who's --

4 MR. FINNEY: Well, I can read you the  
5 statement if you want, Phil, but I don't want to  
6 waste your time.

7 MR. RICHTER: Well, whoa. What does  
8 that have to do with Barry Bennett here?

9 MR. FINNEY: Because I want to know how  
10 these statements came to be made and what the  
11 background is on them, what he knows about them.  
12 Because it turns out Mrs. Schmidt and during --  
13 you may remember three years ago when we took  
14 Mrs. Schmidt's deposition and she refused to show  
15 up at the Ohio Elections Commission hearing for  
16 her false statement charges. She didn't remember  
17 anything. She didn't know anything. When I took  
18 her deposition this year, she said the same thing:  
19 I don't know; I have no idea; my chief of staff  
20 handled it, and she deferred at least 20 different  
21 times to Barry Bennett saying he handled it, he  
22 would know. And so I'm asking him those questions  
23 instead of her because she's the one that deferred  
24 to him.

1 MR. BREY: She did defer to him I think  
2 about five times, twenty is an exaggeration. But  
3 maybe it was more than five and less than twenty,  
4 who knows. But he's here to testify about what he  
5 knows about the allegations to the complaint. In  
6 terms of drafting the complaint, that's irrelevant  
7 to those allegations. And in terms of his hope  
8 that he will somehow prove that there is something  
9 frivolous, there's nothing there. And besides,  
10 you can't get rid of the attorney/client privilege  
11 to try to prove some other case on -- on that that  
12 -- that even -- that is irrelevant to the case at  
13 hand.

14 MR. FINNEY: Again, I'll just say one  
15 more time, Phil, he was a Congressional staffer,  
16 not a campaign staffer, and he certainly isn't  
17 Mrs. Schmidt and he's not her attorney. There is  
18 no privilege.

19 MR. BREY: Anyone in the campaign was  
20 accountable to him. He volunteered for the  
21 campaign; he's testified to that. He testified  
22 that he hired the campaign manager who did the  
23 day-to-day but who answered to him.

24 MR. FINNEY: Did you have --

1 MR. RICHTER: We've gone far enough  
2 afield here. And what's the question that's being  
3 objected to again?

4 MR. FINNEY: I'm just now trying to get  
5 to the inner workings of the drafting of the  
6 complaint and how did it come about. And I wanted  
7 to ask him about statements, then, in the  
8 complaint and how those were written and created.

9 MR. BREY: Which goes to the heart of  
10 communications between counsel and client in  
11 preparing the document that was ultimately filed.

12 MR. RICHTER: I think it's all kind of  
13 tenuous, but I'm inclined to grant that privilege  
14 at this point. I -- I'm -- I'm not clear on how  
15 that gets to the nature of Mr. Krikorian's  
16 statements. I'm not getting the linkage there.

17 MR. FINNEY: Well, that's fine, Phil.  
18 We'll get to it at the hearing. It's no problem.  
19 I really don't want to belabor it.

20 MR. BREY: Thank you, Phil.

21 MR. RICHTER: Have a good day,  
22 gentleman.

23 MR. FINNEY: Phil, if we have anything  
24 more tonight, is there a number we can call you

1 after the office is closed or are we done for the  
2 day?

3 MR. RICHTER: I'll give you my cell  
4 phone number. You guys have got to promise not to  
5 use it over otherwise. (Excerpted out and bound  
6 separately.)

7 MR. BREY: 4184?

8 MR. RICHTER: Uh-huh.

9 MR. FINNEY: Thank you.

10 MR. RICHTER: Have a good day,  
11 gentlemen.

12 MR. BREY: He's going to regret that,  
13 you know.

14 BY MR. FINNEY:

15 Q. Ms. Bennett, do you have an official  
16 role with the Schmidt for Congress campaign?

17 A. What do you mean by "official"?

18 Q. Well, do you have a title?

19 A. No.

20 Q. Did you have official responsibilities?

21 A. I had responsibilities.

22 Q. And what were those responsibilities?

23 B. Make sure the campaign was executed in  
24 the manner that needed to be done.

1 Q. Okay. Who is Ben LaRocco?

2 A. Ben LaRocco was a legislative aid that  
3 worked in our office.

4 Q. And there was at some point an exchange  
5 between -- well, let me go ahead and go to the --  
6 I think it's Exhibit A to the complaint. Or  
7 Exhibit 1 to the complaint.

8 - - - - -

9 Thereupon, Defendant's Exhibit D is marked  
10 for purposes of identification.

11 - - - - -

12 MR. FINNEY: Do you have that already,  
13 Don?

14 MR. BREY: Do you have a copy?

15 MR. FINNEY: Oh, sure. I have copies.

16 Q. Have you seen this document that's been  
17 marked as Exhibit D before?

18 A. Yes.

19 Q. And this is a publication with  
20 Krikorian for Congress campaign that is one of the  
21 documents that's the subject of this complaint?

22 A. Yeah.

23 Q. And have you looked at the e-mail  
24 exchanges between Mr. Krikorian and Mr. LaRocco of

1 your office?

2 A. I have in the past. I would like to be  
3 refreshed if you have then.

4 Q. Well, I can give you copies of  
5 documents that have been produced by your two  
6 offices. Somewhere in there is the LaRocco  
7 exchange I believe. Yeah, it's right on the  
8 front.

9 So my question is in this document,  
10 which is two pages, there are three different  
11 quotes from Jean Schmidt's office. Do you see  
12 that?

13 A. Yes.

14 Q. Would you agree that each of those  
15 quotes accurately reflect statements that  
16 Mr. LaRocco made to Mr. Krikorian in 2008 or  
17 really on -- I'm sorry, 2007 on the dates noted?

18 A. I'm happy to look. Can you point me in  
19 the right direction here?

20 Q. Well, I think beside each quote is a  
21 date, if we can find the corresponding e-mails.  
22 On the fourth page of the document there's an  
23 e-mail from Mr. LaRocco dated 3-29-07, and I think  
24 that correlates with the first quote.

1 A. I guess I don't see where any sentence  
 2 starts with "at this time."  
 3 Q. Okay. It doesn't start. It -- if you  
 4 start after the word "though," which is the second  
 5 sentence of the bigger paragraph.  
 6 A. Okay. So it's a truncated -- okay.  
 7 Well, no, that's not an accurate quote at all.  
 8 The first one in this document is not accurate;  
 9 it's contrived.  
 10 Q. Because there's no ellipsis there?  
 11 A. Well, there's -- there's -- he left out  
 12 a big part of the sentence plus the first word,  
 13 yet he quotes it as if it's an entire sentence  
 14 and capitalizes "at." That's incorrect.  
 15 Q. But --  
 16 A. in college he would get an F.  
 17 Q. But you would -- yeah, because you're  
 18 -- your boss has never lied in any campaign  
 19 statements, correct?  
 20 A. I'm familiar with the Fs in college.  
 21 We'll just leave it at that.  
 22 Q. But you acknowledge on the fourth page  
 23 that that's a statement of Ben LaRocco of  
 24 Ms. Schmidt's office; is that right?

1 A. The fourth -- you're going to have to  
 2 help me. Where are you referring to now?  
 3 Q. The fourth page of Exhibit -- whatever  
 4 she's marked that.  
 5 A. This -- this is an e-mail from Ben --  
 6 Q. You would acknowledge that that is an  
 7 e-mail from Ben LaRocco to Mr. Krikorian --  
 8 A. Yes.  
 9 Q. -- dated 3-29-07; is that right?  
 10 A. Correct. And it's not accurately  
 11 reflected on this document.  
 12 Q. Okay. And then the second one if you  
 13 go to the third page of that exhibit, there's an  
 14 e-mail from Mr. LaRocco there.  
 15 A. This one comes to the -- it's one  
 16 sentence lifted out of context, but, sure, that  
 17 one sentence seemed to be typed correctly.  
 18 Q. Okay. And then May 11th, 2007, which I  
 19 think is on the -- let's see if I can find that  
 20 one. Do you want to find that one, David? I'm  
 21 not seeing that. I think it's in your answer.  
 22 MR. KRICKORIAN: Oh, was it --  
 23 MR. FINNEY: I'm asking.  
 24 MR. KRICKORIAN: I don't see it in here.

1 Q. Okay. But at least for the -- so these  
2 are the statements that you're claiming in which  
3 Mr. Krikorian accused your client of a crime; is  
4 that right?

5 A. Well, we think that the lead in bold  
6 and the big black square would probably be the  
7 first one I'd like to talk about.

8 Q. And that is accusing her of a crime  
9 because why?

10 A. That she has taken \$30,000 in blood  
11 money to deny the genocide of Christian Armenians  
12 by Muslim Turks.

13 Q. And in the complaint the statement is  
14 made four different times that Mrs. Schmidt says  
15 she's never denied the Armenian Genocide. That is  
16 what's untruthful about that statement?

17 A. No. What's untruthful about the  
18 statement is she has taken a bribe of \$30,000 to  
19 deny something.

20 Q. So the something is not what's untrue?

21 A. I would -- I would disagree with the  
22 something, too.

23 Q. Okay.

24 A. The crime --

1 Q. And do you deny --

2 A. -- is that she has --

3 Q. Do you deny that she has taken \$30,000  
4 from Turkish interests?

5 A. Yes.

6 Q. She didn't accept \$30,000 in campaign  
7 contributions from Turkish-related interests?

8 A. Exactly. She has not taken money from  
9 Turkish interests.

10 Q. How much has she taken?

11 A. Zero. It's illegal to take any from  
12 Turkish interests.

13 Q. Well, gee, we identified Exhibit C in  
14 which you acknowledge --

15 A. Those are Turkish-American donations.

16 Q. Let me finish my question. You have to  
17 let me finish my question, and then you're allowed  
18 to answer, okay?

19 A. Uh-huh.

20 Q. You identify something as a Turkish  
21 event, and I think I referred to it as  
22 Turkish-related donations. You did not get  
23 Turkish-related donations from your Turkish event?

24 A. No. There are no Turkish donations .

1 They're American donations.

2 Q. Really?

3 A. Yes, really.

4 Q. Let's go to the document that starts  
5 with that. It's in front of you. If you go to  
6 the -- I don't know if they're copied on both  
7 sides in that document? I hope so.

8 A. Yes.

9 Q. So --

10 MR. BREY: I'm sorry. What document  
11 are we looking at?

12 Q. Page 9 of that.

13 A. It looks like this. It's not numbered.

14 I don't know what it is.

15 MR. FINNEY: That's not numbered. We  
16 need to number that one.

17 (A short recess is taken.)

18 - - - - -

19 Thereupon, Defendant's Exhibit E is marked  
20 for purposes of identification.

21 - - - - -

22 Q. So the ninth page of that, which would  
23 be on the fifth piece of paper.

24 A. Yes.

1 Q. There's an e-mail from Phil Greenberg  
2 dated February 20th, 2008.

3 A. Uh-huh.

4 Q. This is the official campaign  
5 fundraiser for Mrs. Schmidt?

6 A. Uh-huh.

7 Q. Why don't you read that e-mail to me.

8 A. The subject, "Fwd: Breakdown of  
9 Turkish-American contributions to Congresswoman  
10 Jean Schmidt" date: 2/20/2008 to -- do you want  
11 me to spell out the addresses?

12 Q. You don't need to. Just who is  
13 dave@jeanschmidt.com?

14 A. dave@jeanschmidt.com. Oh, Dave is Dave  
15 Ward.

16 Q. Okay. And what does the body of the  
17 e-mail say?

18 A. "Hi, Peter and Dave. Here's a  
19 breakdown of the Turkish contributions that are  
20 'on the way' or have been contributed."

21 Q. Didn't you just tell me it would be  
22 illegal for Mrs. Schmidt to accept Turkish  
23 contributions --

24 A. Yes. I'm sorry. Sorry. Yes, it is.

1 And if you look at the subject line, it says this  
2 is a breakdown of the Turkish-American  
3 contributions.

4 Q. I see.

5 A. So that's obviously a shorthand in the  
6 body of the letter, and it does not imply that  
7 there's --

8 Q. Go ahead.

9 A. Excuse me. It does not imply that the  
10 donations are of Turkish origin.

11 Q. And then go two more pages in.

12 A. Yes.

13 Q. Why don't you read that e-mail to me.  
14 You can start with the subject line there, too.

15 A. "Turkish Checks arrive in Columbus. We  
16 got \$4,800 from Turkish folks. That should finish  
17 up the event. Will bring it over when I'm down  
18 next."

19 Q. Okay. And so you were objecting to my  
20 terminology of Turkish-related contributions,  
21 Turkish contributions, but your own campaign staff  
22 refers to these as Turkish folks, Turkish checks  
23 and Turkish contributions, right?

24 A. Actually, I'm just pointing out there's

1 a big difference between Turkish contributions and  
2 legal donations from American citizens who happen  
3 to be of Turkish origin.

4 Q. Well, I'll tell you what, I -- for  
5 purposes of what you think your position is at  
6 this point in time, I'll accept that. But when I  
7 ask you a question about Turkish-related  
8 contributions, I really don't want to fight with  
9 you about it. I'm just using your terminology,  
10 okay?

11 A. Mr. Fein --

12 MR. BREY: I would object. You're not  
13 using his terminology. You're using someone in  
14 the campaign's internal terminology.

15 A. Mr. Finney --

16 Q. My point is Mrs. Schmidt has accepted  
17 more than \$30,000 in contributions from these, as  
18 you all phrase them, Turkish contributions and  
19 Turkish folks, hasn't she?

20 A. No, to my knowledge she has not.

21 Q. How much has she accepted to your  
22 knowledge?

23 A. I don't know.

24 Q. Well, you're the one that brought the

1 complaint, right? I mean, you said that the  
2 Congressional campaign worked on this. Mr. Fein  
3 represents the Congressional campaign. You're the  
4 one that alleged that Mr. Krikorian has not -- was  
5 wrong in saying that she has taken \$30,000 of this  
6 money from Turks. Now you're saying that you  
7 don't know how much it is. Which is it?

8 A. Are you ready for an answer?

9 Q. Yes.

10 A. Thank you. I don't know what the  
11 amount is. You've got all of the donations. You  
12 can certainly tally them up. I believe your  
13 mathematic skills are at least as good as mine.  
14 None of them are Turkish donations, which is what  
15 he wants to call them. He wants to imply that  
16 we've taken money from a foreign government, and  
17 he did over and over and over again in exchange  
18 for doing something, which is a bribe.

19 Q. Okay. But your own campaign refers to  
20 them as Turkish contributions.

21 A. Our own campaign has no -- has not --  
22 Mr. -- in the two e-mails that you've pointed out,  
23 Mr. Greenberg has shorthanded them as Turkish  
24 donations.

1 Q. Was Mr. Greenberg lying when he sent  
2 those e-mails?

3 A. I think that's Mr. Greenberg's  
4 shorthand. If you have knowledge that those are,  
5 in fact, foreign contribution, you should report  
6 them, or if you let me know, I will.

7 Would this be a good time to take a bio  
8 break?

9 MR. FINNEY: Sure. Absolutely.

10 MR. BREY: Let's take a break.

11 (A short recess is taken.)

12 Q. Can you tell me all the contacts that  
13 your office has had with the Turkish -- with  
14 lobbyists for the Turkish government or with  
15 Turkish government officials?

16 A. Well, I can only tell you about the  
17 ones that I participated in. I don't have dates,  
18 but I think you've got those. Livingston came  
19 over once. It seems like he brought the -- if I  
20 remember right, he brought the ambassador with  
21 him.

22 Q. And when was that?

23 A. You know, I don't -- I know you've got  
24 the date. I don't -- we gave you the schedule. I

1 don't know what it is off the top of my head. If  
2 you want me to dig through, I'll try to find it.  
3 Q. Was it this year or last year?  
4 A. No, it was last year or the year before  
5 I think.  
6 Q. And did they talk about the genocide  
7 resolution at that time? Were you in the meeting?  
8 A. I was in that meeting.  
9 Q. Was Mrs. Schmidt in the meeting?  
10 A. I don't remember to tell you the truth.  
11 Q. Okay. Who else was in the meeting  
12 besides you and Mr. Livingston and the ambassador?  
13 A. There may not have been anybody else.  
14 Q. Okay. And did they talk about the  
15 Armenian Genocide resolution at that time?  
16 A. I don't remember them doing so, but I  
17 just don't remember. I remember talking about the  
18 PKK.  
19 Q. The what?  
20 A. PKK.  
21 Q. And what is that?  
22 A. It's a terrorist organization in the  
23 Kurdish portion of Iraq.  
24 Q. And what did they talk to you about the

1 PKK?  
2 A. Turkey is a victim of the PKK bombings  
3 constantly. And Turkey is constantly looking for  
4 more U.S. cooperation in fighting the PKK.  
5 Q. Meaning when the Turks invaded Iraq to  
6 go after the Kurds, is that what you're talking  
7 about?  
8 A. I'm talking when the U.S. military and  
9 Turkey had a combined exercise to go after the  
10 PKK.  
11 Q. In Turkey?  
12 A. In Iraq.  
13 Q. In Iraq.  
14 Okay. Anything else that they talked  
15 to you about?  
16 A. We probably talked about the status of  
17 the talks between Armenia and Turkey. I don't  
18 remember off the top of my head.  
19 Q. And what is the issue there?  
20 A. Establishing diplomatic relations, you  
21 know.  
22 Q. And why are there not diplomatic  
23 relations between Armenia and Turkey now?  
24 A. You'd have to ask Armenia and Turkey

1 that. I don't know.

2 MR. BREY: Actually, I'll object to the

3 premise because as of today, Turkey and Armenia

4 have established diplomatic ties.

5 MR. KRİKORIAN: Well, we'll see. I saw

6 it.

7 Q. What all did you guys talk about?

8 A. I think it happened, you know, a long

9 time ago. It was a quick meeting. I think that

10 was ---

11 Q. What subcommittees and committees does

12 Mrs. Schmidt sit on?

13 A. She's on the Ag Committee. She's the

14 ranking member on the Organic Specialty Crops

15 Subcommittee. And she is on the Transportation

16 Committee.

17 Q. So why would the ambassador of Turkey

18 come to talk to Ms. Schmidt as opposed to the

19 other 434 members of Congress?

20 A. I'm guessing that she has met with 20

21 ambassadors from different countries around the

22 world.

23 Q. Okay. But she did not, to your

24 knowledge, participate in that particular meeting?

1 A. I don't know. I don't remember.

2 Q. Okay. What other contacts have you had

3 with the government of Turkey or foreign agents

4 for Turkey?

5 A. I've met with the foreign ministry

6 while I was in Turkey this last trip.

7 Q. And did Mrs. Schmidt meet with them as

8 well?

9 A. Yes.

10 Q. Okay. And who was that?

11 A. I don't know off the top of my head.

12 Q. Okay. What else?

13 A. I've met with different

14 parliamentarians when I was in Turkey.

15 Q. Which time, both times?

16 A. Both times.

17 Q. Okay. Go ahead.

18 A. Different parties. I think that's

19 about it. I mean, I don't know -- I mean, they

20 have to file the reports, you know. They don't

21 have to tell you, so I don't know.

22 Q. They --

23 A. I don't remember any other ---

24 Q. "They" being the Turkish --

1 A. Foreign agents, registered foreign  
 2 agents.  
 3 Q. Have to file reports?  
 4 A. Yes.  
 5 Q. And they don't have to inform members  
 6 of Congress that they are filing them?  
 7 A. Correct. They don't have to get our  
 8 approval to file them.  
 9 Q. Right. I understand. But I'm saying  
 10 you had whatever meetings you had. I'm just  
 11 asking what those contacts were.  
 12 A. Right. Those are the only meetings  
 13 that I remember.  
 14 Q. Okay. And has Mr. Fein ever come to  
 15 your office to talk to you about Turkish affairs  
 16 prior to his representation of Ms. Schmidt?  
 17 A. No.  
 18 Q. How is it that you know Lincoln  
 19 McCurdy?  
 20 A. I think the first time that I met  
 21 Lincoln I would guess that it was -- I think it  
 22 was in a John Boehner fundraiser, but I think that  
 23 was the first time I met Mr. McCurdy. Boehner,  
 24 B-O-E-H-N-E-R.

1 Q. And what year would that have been in?  
 2 A. I don't know. '7 or '8.  
 3 Q. 2007 or 2008?  
 4 A. Uh-huh.  
 5 Q. And under what circumstances were you  
 6 introduced to him?  
 7 A. He actually I think introduced himself  
 8 to me.  
 9 Q. Okay. And was this fundraiser in D.C.?  
 10 A. Yes.  
 11 Q. And what kind of contacts have you had  
 12 with Lincoln McCurdy since that time?  
 13 A. Periodic. Usually just, you know,  
 14 phone conversation every now and then.  
 15 Q. And why would you be speaking with him  
 16 about matters on the floor --  
 17 A. He organized the last trip to the --  
 18 Q. You need to let me finish the question.  
 19 A. I'm sorry. Sorry. Sorry. Sorry.  
 20 Q. Would it be matters on the floor of  
 21 Congress or would it be campaign-related matters  
 22 or other matters?  
 23 A. It was organizing the trip to Turkey  
 24 that several staffers and Jean went on in May.

1 Q. The 2009 trip?

2 A. Uh-huh. Lots of conversations about

3 that.

4 Q. Okay. Who went on that trip from your

5 staff?

6 A. Me.

7 Q. Anyone else?

8 A. From our staff, no.

9 Q. No. Just you and Mrs. Schmidt?

10 A. Uh-huh.

11 Q. Have you or anyone from your staff or

12 Mrs. Schmidt ever visited Hittite Microwave or

13 been to Massachusetts to visit Yalcin Ayasli?

14 A. Not that I'm aware of, but I have no

15 knowledge of that happening.

16 Q. Has Mrs. Schmidt or any member of her

17 staff ever made promises in exchange for campaign

18 contributions?

19 A. Not that I'm aware of.

20 Q. Has Mrs. Schmidt ever accepted any

21 gifts from the government of Turkey?

22 A. No.

23 Q. During her trip to Turkey, did she

24 accept any meals or lodging or any other gifts

1 from the Turkey government?

2 A. No. FCA paid for everything. All of

3 that is approved by Ethics beforehand. It's all

4 reported to us, what we're talking about.

5 Q. Have you had an opportunity to read the

6 article written by the Southern Poverty Law Center

7 about Turkish money flowing into the United States

8 to influence foreign policy?

9 A. No.

10 Q. Are you aware of -- of the fact that

11 that is occurring?

12 A. No.

13 Q. Were you aware of the actions of the

14 government of Turkey at the beginning of the

15 invasion of Iraq where they denied access to

16 American troops for passage on the ground for

17 purposes of the invasion, when the Turkish

18 government denied that?

19 MR. BREY: Objection on the grounds of

20 relevancy. 2003 versus 2008. You can answer if

21 you want to.

22 A. I've read those accounts.

23 Q. You have read those accounts. Would

24 you -- would you say that the actions of the

1 Turkish government cost American lives because of  
2 their refusal to allow us the use of their ground  
3 for purposes of the invasion?

4 A. No.

5 MR. BREY: Objection, relevancy. Go  
6 ahead.

7 A. No.

8 Q. Would you say it made the prosecuting  
9 of the American war effort more difficult?

10 A. No. The invasion went pretty fast.

11 Q. When was the first time you had a  
12 chance to meet Mr. David Saltzman?

13 A. You know, I don't know that I've ever  
14 met David Saltzman to tell you the truth.

15 Q. Is he Mrs. Schmidt's attorney in this  
16 case?

17 A. He's one of them I believe.

18 Q. Is he also the attorney for the  
19 campaign committee?

20 A. I would assume.

21 Q. Who maintains the database of the  
22 Schmidt for Congress campaign, particularly that  
23 of campaign contributions?

24 A. Phil Greenberg.

1 Q. It's resident in his office here in  
2 Columbus?

3 A. I don't know if it's -- I don't know  
4 where it physically -- you asked me who maintained  
5 it; he maintains it.

6 Q. When was he first retained to do  
7 fundraising for the campaign?

8 A. I don't remember. I mean, like, you  
9 know, the FAC documents would show I guess what he  
10 would be paid, but I don't remember the start  
11 date.

12 Q. Mrs. Schmidt, actually she thought that  
13 even through 2008 some woman ran the campaign, and  
14 then later she acknowledged that Phil Greenberg  
15 did it in 2007 and 2008. Do you know when he  
16 first began to work for the campaign?

17 A. No.

18 MR. BREY: I would object. I think you  
19 meant run the fundraising side of the campaign. I  
20 don't think --

21 MR. FINNEY: What did I say?

22 MR. BREY: You said ran the camp -- she  
23 first thought a gal ran the campaign, and then  
24 Phil but --

1 Q. Who maintained the database prior to  
 2 Mr. Greenberg taking over?  
 3 A. Peter I believe.  
 4 Q. And what was it, just an Excel  
 5 spreadsheet?  
 6 A. No. It's a fairly sophisticated  
 7 campaign reporting software.  
 8 Q. Do you know who Mrs. Schmidt met with  
 9 when she was in Turkey in terms of government  
 10 officials?  
 11 A. As I recall, the only -- well, it seems  
 12 like we met with some parliamentarians. I'm not  
 13 crystal clear on it. But she certainly met at the  
 14 foreign ministry with the assistant minister of  
 15 north -- of North and South America. We had lunch  
 16 there.  
 17 Q. Have you ever heard of Feutallah Gulen?  
 18 A. The same sounds familiar, but I -- you  
 19 know --  
 20 Q. You don't know who that is?  
 21 A. I don't know who that is.  
 22 Q. Do you know if any of the organizations  
 23 that have been cited in this case which would  
 24 start with the Turkish American Coalition and

1 others, if any of those organizations receive  
 2 money from the Turkish government?  
 3 A. I would say that they don't. I'm  
 4 sorry.  
 5 MR. BREY: Go ahead.  
 6 Q. And why would you say that?  
 7 A. Because it would be illegal for them to  
 8 do so, and no one has made those accusations.  
 9 Q. What about the Turkish American Legal  
 10 Defense Fund?  
 11 A. I don't know.  
 12 Q. What about the -- let's see.  
 13 Association of -- Assembly of Turkish  
 14 Associations?  
 15 A. Never heard of them.  
 16 Q. Why don't we take a few minutes with my  
 17 client to make sure, and we'll wrap up.  
 18 (A short recess is taken.)  
 19 MR. FINNEY: Back on the record. I  
 20 don't have any further questions for this witness.  
 21 MR. BREY: I have no questions for the  
 22 witness. I would advise the witness to read the  
 23 transcript. She can either type up the transcript  
 24 without you reading it, or you can have an

opportunity to read it and make any corrections if something is typed up incorrectly. I would advise that you do the latter.

THE WITNESS: All right. I'll read it.

-----

Thereupon, the foregoing proceedings concluded at 5:31 p.m.

-----

State of Ohio : CERTIFICATE  
County of Franklin: SS

I, Stacy M. Opp, a Notary Public in and for the State of Ohio, do hereby certify the within named Barry E. Bennett was by me first duly sworn to testify to the whole truth in the cause aforesaid; testimony then given was by me reduced to stenotypy in the presence of said witness, afterwards transcribed by me; the foregoing is a true record of the testimony so given; and this deposition was taken at the time and place as specified on the title page.

I do further certify I am not a relative, employee or attorney of any of the parties hereto, and further I am not a relative or employee of any attorney or counsel employed by the parties hereto, or financially interested in the action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Columbus, Ohio, on \_\_\_\_\_, 2009.

\_\_\_\_\_  
Stacy M. Opp, Notary Public - State of Ohio  
My commission expires August 6, 2011.



# **EXHIBIT 21**



Jean Schmidt

2nd District of Ohio

418 Clinton Street Office Building  
Washington, DC 20515  
(202) 225-3142

Congress of the United States  
House of Representatives

Committee on Agriculture  
Subcommittee  
Ranching Member, Horticulture and  
Organic Agriculture

Department Operations, Domestic,  
Rural, and Forestry  
Operations, Credit, Energy, and  
Research

Committee on Transportation  
and Infrastructure  
Subcommittee

Airport  
Highways and Transit  
Railroads, Pipelines and  
Hazardous Materials

September 17, 2009

The Honorable Zoe Lofgren  
Chair  
Committee on Standards of Official Conduct  
Room H11-2  
United State Capitol  
Washington, DC 20515

Dear Chairwoman Lofgren:

The purpose of this letter is to seek guidance regarding the payment of legal fees associated with a case in which my campaign and I are now involved.

In the last few days of the most recent congressional campaign, one of my opponents distributed material that accused me of accepting a bribe of thirty thousand dollars from the Government of Turkey in exchange for denying or covering up the genocide of Armenians living in Turkey during World War I. In the same campaign materials, my opponent further opined that I should immediately resign my office for committing this crime or be voted out of office.

In response to his outrageous allegations, I filed a complaint with the Ohio Elections Commission, which is the arbiter of false campaign statements under Ohio Law. Once the Commission rules that a false statement was made, it is my intention to seek damages in Civil Court under the process set forth by the law creating the Elections Commission. I am confident that I will prevail and be awarded damages.

The issue upon which I am requesting the Committee's guidance involves the payment of attorney's fees associated with this case. Specifically, I would appreciate the Committee's comments on the four payment options outlined below.

1. May I enter into a standard attorney contingency fee arrangement wherein my attorneys would receive a portion of all damages awarded in this litigation? As you may be aware, the Internal Revenue Service does not recognize this type of agreement as a taxable benefit to the plaintiff should the plaintiff lose the litigation. Does the House apply the same standard? I believe it is extremely likely that my campaign will be awarded damages in this case. Does this fact influence the Committee's consideration of this issue?

District Offices

2044 Montgomery Place  
Suite 170  
Cincinnati, Ohio 45202  
(513) 761-6021

501 Chestnut Street  
Ninth Floor  
Philadelphia, PA 19106

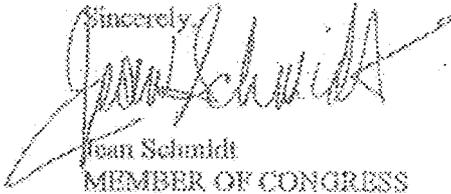
[jean.schmidt@house.gov](mailto:jean.schmidt@house.gov)

RECEIVED  
2009 SEP 17 PM 4:16  
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

2. Should the Committee find a contingency arrangement inappropriate for legal fees incurred while the case is before the Elections Commission, is it appropriate to enter into a contingency agreement for the portion of the case that comes before the Ohio Court of Common Pleas? When the case gets to this point, it would be a near certainty that damages will be awarded. Additionally, the Internal Revenue Service does not view these legal arrangements as a taxable benefit to the plaintiff in such cases.
3. May I establish a Legal Expense Fund, under terms and conditions set by the Committee, to defend against these accusations of official misconduct?
4. And finally, can campaign funds be used to pay for the expenses associated with this litigation?

I deeply appreciate your consideration of this request. While my situation appears to be rare, I understand that many other states are considering institutions similar to the Ohio Elections Commission to adjudicate the truthfulness of statements made during a campaign. I would expect the Committee will see requests similar to mine in the near future.

Sincerely,



Joan Schmidt  
MEMBER OF CONGRESS

# **EXHIBIT 22**

ZOE LOFGREEN, CALIFORNIA  
CHAIR  
BEN CHANDLER, KENTUCKY  
C. K. BUTTERFIELD, NORTH CAROLINA  
KATHY CASTOIL, FLORIDA  
PETER WELCH, VERMONT  
DANIEL J. TAYLOR,  
COUNSEL TO THE CHAIR  
A. BLAKE CHISAKI,  
CHIEF COUNSEL AND STAFF DIRECTOR

ONE HUNDRED ELEVENTH CONGRESS

## U.S. House of Representatives

COMMITTEE ON STANDARDS OF  
OFFICIAL CONDUCT

Washington, DC 20515-6328

JO BONNER, ALABAMA  
RAISING REPUBLICAN MEMBER

R. MICHAEL CONAWAY, TEXAS  
CHARLES W. DENT, PENNSYLVANIA  
CHESB. HARRIS, MISSISSIPPI  
MICHAEL T. ANCALI, TEXAS

NELLE A. STRICKLAND,  
COUNSEL TO THE BANKING  
REPUBLICAN MEMBER

SUITE 411-0, THE CAPITOL  
20540-2200

February 26, 2010

The Honorable Jean Schmidt  
U.S. House of Representatives  
238 Cannon House Office Building  
Washington, DC 20515

Dear Colleague:

This responds to your letter of September 17, 2009, seeking an advisory opinion regarding two options for payment of legal expenses incurred in connection with a case you filed in 2009 regarding false campaign statements.<sup>1</sup> As discussed below, the establishment of a legal expense fund and the use of campaign funds are both permissible options for payment of legal expenses in connection with both past and future proceedings, subject to the limitations below.

### FACTUAL BACKGROUND

According to your letter and additional information provided to Committee counsel, the background in this matter is as follows. In the final days of the 2008 general election campaign, one of your opponents, David Krikorian, distributed materials accusing you of accepting a \$30,000 bribe from the Government of Turkey in exchange for denying or covering up the genocide of Armenians in Turkey during World War I. The campaign materials also called for your immediate resignation from your congressional seat and/or your defeat at the polls in the 2008 general election. You were re-elected in the November 2008 general election.

In April 2009, you filed a sworn complaint against Mr. Krikorian with the Ohio Elections Commission (Election Commission), which has jurisdiction over false campaign statements under Ohio law. *See* Ohio Rev. Code § 3517.21. Based on the Election Commission's jurisdiction, you filed the complaint as a candidate with your campaign committee address. That complaint sought: (1) a finding by the Elections Commission that Mr. Krikorian violated § 3517.21 by making false campaign statements; (2) a public reprimand; and (3) any other appropriate relief. On or about October 1, 2009, you received a finding of fact from the Elections Commission that there was clear and convincing evidence that Mr. Krikorian made false statements with malice.

Under Ohio law, you were required to file any civil action seeking damages in the Ohio Court of Common Pleas (Ohio Court) no later than one year from the date of infraction. As that

---

<sup>1</sup> Your request for guidance was amended by your staff on your behalf on January 21, 2010, due to changed circumstances since your letter was submitted.

time period has expired, you will not be filing a civil action to recover damages in this matter. However, Mr. Krikorian has filed an appeal in the Ohio Court seeking to overturn the administrative ruling by the Election Commission. Both you and the Ohio Attorney General are named parties in the appeal, and you will incur additional legal fees to participate in those proceedings. Finally, Mr. Krikorian has also filed a civil suit in federal court challenging the constitutionality of the Elections Commission ruling. You are not a named party to this federal court case and do not anticipate any involvement in that separate litigation.

You have not used your House staff or campaign staff to support this litigation. Barry Bennett, your chief of staff, is familiar with the case, but his official involvement has been limited to assisting House General Counsel with regard to discovery request responses, being deposed concerning such discovery requests, and working with the Committee to obtain guidance on the issues in your September 17, 2009, letter.

Your attorney in this matter has been Bruce Fein of the Turkish American Legal Defense Fund (TALDF). You have not signed any retainer or representation agreement with Mr. Fein, but he did provide you with a proposed contingency fee contract. Because you are not filing any civil action to recover damages, you will not be entering into the contingency fee contract with Mr. Fein. To date, Mr. Fein estimates that 200 hours have been worked by the attorneys in your case, but you have not yet been billed as you are awaiting this Committee's guidance regarding the permissibility of the proposed options for payment of legal expenses in this matter.

According to information in public databases and Web sites, TALDF is a project of the Turkish Coalition of America (TCA). TCA is a § 501(c)(3) organization under the Internal Revenue Code, which has employed registered federal lobbyists under the Lobbying Disclosure Act in the past.<sup>2</sup> It appears that TALDF issued a press release and request for a criminal investigation against Mr. Krikorian on November 3, 2008, regarding the same allegations of false campaign statements that underlie your complaint with the Elections Commission. Both TALDF and TCA issued statements regarding the favorable ruling in your case on October 2, 2009.

You seek Committee guidance regarding two options for paying legal expenses both for legal work already completed during the Elections Commission proceedings, and future legal work on your behalf in the appellate case in the Ohio Court:

1. Establishing a Legal Expense Fund under the Committee's regulations; or
2. Using campaign funds from your principal campaign committee.

You have not yet contacted the Federal Election Committee (FEC) regarding either of these options, but intend to consult with the FEC after you receive the Committee's opinion as to what is permissible under House rules. Each of these options are discussed separately below.

---

<sup>2</sup> Lobbying disclosure act filings reflect individuals registered to lobby on behalf of TCA in 2008, but that registration was terminated as of December 31, 2008.

## LEGAL BACKGROUND

### 1. Legal Expense Fund

Under a provision of the gift rule, a Member, officer, or employee may accept "a contribution or other payment to a legal expense fund established for the benefit of [the official] that is otherwise lawfully made in accordance with the restrictions and disclosure requirements of the Committee on Standards of Official Conduct."<sup>3</sup> Under the Committee's Legal Expense Fund regulations, a Member may not receive or solicit donations to such a fund without prior approval of the Trust agreement by the Committee.<sup>4</sup>

Under the Committee's regulations, a fund may be established only when the legal expenses arise in connection with one of the following matters:

- The individual's candidacy for or election to federal office;
- The individual's official duties or position in Congress (including a matter before the Standards Committee);
- A criminal prosecution; or
- A civil matter bearing on the individual's reputation or fitness for office.<sup>5</sup>

The Committee will not grant permission to establish a fund when legal expenses arise in connection with a matter that is primarily personal in nature, such as a matrimonial action.<sup>6</sup> The rules governing the operation of a Legal Expense Fund include:

- No contribution may be solicited for or accepted by a fund prior to the Committee's written approval of the completed trust document and the trustee;<sup>7</sup>
- A fund must be established as a trust, administered by a trustee who is entirely independent of the Member and has no family, business or employment relationship with the Member;<sup>8</sup>
- Trust funds can be used only to pay legal expenses, or the expenses incurred in soliciting for or administering the trust;<sup>9</sup>

---

<sup>3</sup> See House Rule 25, clause 5(a)(3)(E). See generally *2008 House Ethics Manual* at 63-65.

<sup>4</sup> See Standards Committee Legal Expense Fund Regulations ¶¶ 1, 11 (June 1996), reprinted in Appendix to the *2008 House Ethics Manual* at 394 (LEF Regulations).

<sup>5</sup> LEF Regulations ¶ 2.

<sup>6</sup> LEF Regulations ¶ 3.

<sup>7</sup> LEF Regulations ¶ 11.

<sup>8</sup> LEF Regulations ¶¶ 5-6.

- A fund may not accept more than \$5,000 in a calendar year from any individual or organization, but, in accordance with the gift rule, no contribution may be accepted from a registered lobbyist or foreign agent;<sup>10</sup>
- Excess funds must be returned to the contributors;<sup>11</sup> and
- A fund may not pay for legal services for anyone other than the named beneficiary except with the Committee's written permission. Written Committee permission is also required for any amendment of the trust document and any change in the trustee.<sup>12</sup>

Once a Legal Expense Trust agreement has been approved by the Committee, the Member must file an executed copy with the Office of the Clerk, Legislative Resource Center which is placed on the public record.<sup>13</sup> In addition, Members must file quarterly reports on the public record regarding certain contributions and expenditures under the Committee's regulations.<sup>14</sup>

## 2. Use of Campaign Funds

The Committee has long advised Members to consult with the Committee prior to using campaign funds for legal expenses to ensure that the legal services are ones that the Member may properly pay with campaign funds. House Rule 23, clause 6 provides as follows:

A Member, Delegate, or Resident Commissioner----

- (a) shall keep the campaign funds of such individual separate from the personal funds of such individual;
- (b) may not convert campaign funds to personal use in excess of an amount representing reimbursement for legitimate and verifiable campaign expenditures; and
- (c) except as provided in clause 1(b) of rule [24], may not expend funds from a campaign account[] of such individual that are not attributable to bona fide campaign or political purposes.

While the rule permits the use of campaign funds for "bona fide campaign or political purposes," it does not include a definition of that phrase. The Committee has long advised that

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<sup>9</sup> LEF Regulations ¶ 7.

<sup>10</sup> LEF Regulations ¶¶ 8-9.

<sup>11</sup> LEF Regulations ¶ 7.

<sup>12</sup> LEF Regulations ¶ 11.

<sup>13</sup> LEF Regulations ¶ 12.

<sup>14</sup> LEF Regulations ¶ 13.

Members have wide discretion to determine whether any particular expenditure would serve such purposes, provided that the Member does not convert campaign funds to personal or official uses (other than as permitted by House Rule 24, clause 1(b)).<sup>15</sup> Put another way, the rule is not interpreted "to limit the use of campaign funds strictly to a Member's reelection campaign," but instead is interpreted "broadly to encompass the traditional politically-related activities of Members of Congress."<sup>16</sup>

In accordance with these principles, the Committee has determined that it is generally permissible under House rules for a Member to use campaign funds to pay for the Member's own legal fees which arise in connection with the Member's campaign, election, or the performance of official duties.<sup>17</sup>

## ANALYSIS

### 1. Legal Expense Fund

The legal expenses you incurred in connection with the Elections Commission action were directly related to your candidacy for federal office in 2008 – one of the specific permissible types of actions under the Committee's Legal Expense Fund regulations. Therefore, it would be generally permissible for you to establish and solicit for a legal expense fund to pay these fees already incurred. Moreover, the legal expenses to be incurred in the Ohio Court case that appeals the Election Commission's ruling are also directly related to your candidacy for federal office in 2008. Therefore, it would be generally permissible for you to solicit for a legal expense fund to pay these current and future legal fees as well.

There is no restriction under the Committee's Legal Expense Fund Regulations that would bar the establishment of such a trust fund to pay past legal expenses, so long as no solicitation or receipt of donations occurred before the Committee's written approval of the trust agreement. Thus, before you may begin accepting or soliciting for donations to cover past and future legal expenses as described above, the Committee must approve your proposed trust agreement. If you are interested in pursuing this option, please contact the Committee with a letter seeking approval of a specific legal expense fund with a draft trust agreement and nomination of a trustee pursuant to the Committee's regulations discussed above.

### 2. Use of Campaign Funds

As an alternative, we conclude that it is within your discretion to use campaign funds for your legal expenses already incurred in connection with the Elections Commission action because these expenses are for a legal action arising out of your candidacy for federal office, as well as your official duties and responsibilities. Since no money damages were awarded in this case, the payment of legal expenses for this action does not implicate the prohibition on

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<sup>15</sup> See Comm. on Standards of Official Conduct, Advisory Opinion No. 6, *reprinted in Appendix to 2008 House Ethics Manual* at 375, 376.

<sup>16</sup> House Select Comm. on Ethics, *Final Report*, H. Rep. 95-1837, 95<sup>th</sup> Cong., 2d Sess. (1979) at 16.

<sup>17</sup> See *2008 House Ethics Manual* at 156-57.

conversion of campaign funds to personal use. It is also within your discretion to use campaign funds for your legal expenses in connection with the pending Ohio Court case that appeals the Election Commission's ruling matter because these expenses are for a legal action arising out of the same facts relating to your candidacy and official duties at issue in the Election Commission action. This authority extends to expenditure of funds from your principal campaign committee for past legal expenses in connection with the proceedings at the Elections Commission and for current and future legal expenses in connection with the Ohio Court case appealing the Election Commission ruling.

Finally, as a reminder, you should be cautious to avoid any appearance of special favors or additional access for TALDF or TCA based on your business relationship with these groups.<sup>18</sup> TCA did employ registered lobbyists in the past, and very likely will continue to have issues pending before Congress.<sup>19</sup> Accordingly, we advise you to keep in mind these standards of conduct during the time you are working with TALDF.

### LIMITATIONS

Pursuant to the Federal Election Campaign Act, the FEC administers a separate set of restrictions on the use of campaign funds. Although our understanding is that the FEC generally permits the use of campaign funds and the establishment of legal expense funds for legal expenses arising out of a Member's congressional campaign and official duties, interpretation of FEC regulations is outside this Committee's jurisdiction. If you have not already done so, you should consult with the FEC to determine whether either course of conduct is permissible under the applicable law and regulations.

The response above constitutes an advisory opinion concerning the application of House Rules 23 and 25 and the Code of Ethics for Government Service. The following limitations apply to this opinion:

- This advisory opinion is issued only to Representative Jean Schmidt, the requestor of this opinion. This advisory opinion cannot be relied upon by any other individual or entity.
- This advisory opinion is limited to the provisions of the House rules and the Code of Ethics for Government Service specifically noted above. No opinion is expressed or implied herein regarding the application of any other federal, state, or local statute, rule, regulation, ordinance, or other law that may be applicable to the proposed conduct described in this letter, including, without limitation, the Internal Revenue Code and the Federal Election Campaign Act.

---

<sup>18</sup> The Code of Ethics for Government Service states that all government employees, including Members, may "never discriminate unfairly by the dispensing of special favors or privileges whether for remuneration or not." Code of Ethics for Government Service ¶ 5.

<sup>19</sup> In addition, we note that you accepted a privately-sponsored trip to Turkey from TCA in 2009, which must be disclosed on your Financial Disclosure Statement in May 2010.

- This advisory opinion will not bind or obligate any entity other than the Committee on Standards of Official Conduct of the United States House of Representatives.
- This advisory opinion is limited in scope to the specific proposed conduct described in this letter and does not apply to any other conduct, including that which appears similar in nature or scope to that described in this letter.

The Committee will take no adverse action against you in regard to any conduct that you undertake, or have undertaken, in good faith reliance upon this advisory opinion, so long as you have presented a complete and accurate statement of all material facts relied upon herein, and the proposed conduct in practice conforms with the information you provided, as addressed in this opinion.

Changes or other developments in the law (including, but not limited to, the Code of Official Conduct, House rules, Committee guidance, advisory opinions, statutes, regulations or case law) may affect the analysis or conclusions drawn in this advisory opinion. The Committee reserves the right to reconsider the questions and issues raised in this advisory opinion and to rescind, modify, or terminate this opinion if required by the interests of the House. However, the Committee will rescind an advisory opinion only if relevant and material facts were not completely and accurately disclosed to the Committee at the time the opinion was issued. In the event that this advisory opinion is modified or terminated, the Committee will not take any adverse action against you with respect to any action taken in good faith reliance upon this advisory opinion so long as such conduct or such action was promptly discontinued upon notification of the modification or termination of this advisory opinion.

If you have any further questions, please contact the Committee's Office of Advice and Education at extension 5-7103.



Zoe Lofgren  
Chair

Sincerely,



Jo Bonner  
Ranking Republican Member

ZL/JB:pgp

# **EXHIBIT 23**

BEFORE THE OHIO ELECTIONS COMMISSION

1

Jean Schmidt and :  
Schmidt for Congress, :  
Complainant, :  
vs. Case No. 2009E-003 :  
Mr. David Krikorian, :  
Respondent. :

DEPOSITION OF BRUCE FEIN

Taken at Chester Willcox & Saxbe, LLP  
65 East State Street, Ste. 1000  
Columbus, OH 43215  
August 31, 2009, 9:55 a.m.

Spectrum Reporting LLC  
333 Stewart Avenue, Columbus, Ohio 43206  
614-444- or 800-635-  
www.spectrumreporting.com

Bruce Fein

August 31, 2009

2

A P P E A R A N C E S

ON BEHALF OF COMPLAINANT:

Chester Willcox & Saxbe, LLP  
65 East State Street, Ste. 1000  
Columbus, OH 43215  
By Donald C. Brey, Esq.

ON BEHALF OF RESPONDENT:

Geragos & Geragos  
644 South Figueroa Street  
Los Angeles, CA 90017  
By Mark J. Geragos, Esq.  
Tina Glandian, Esq.

ON BEHALF OF RESPONDENT:

Finney Stagnaro Saba & Patterson  
2623 Erie Avenue  
Cincinnati, OH 45208  
By Christopher P. Finney, Esq.

ALSO PRESENT:

David Krikorian

Monday Morning Session

August 31, 2009, 9:55 a.m.

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S T I P U L A T I O N S

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It is stipulated by counsel in attendance that the deposition of Bruce Fein, a witness herein, called by the Defendant for cross-examination, may be taken at this time by the notary by notice and agreement, that said deposition may be reduced to writing in stenotypy by the notary, whose notes may thereafter be transcribed out of the presence of the witness; that proof of the official character and qualification of the notary is waived.

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I N D E X

Examination By	Page
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(Exhibits attached to the original transcript.)

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1                   Bruce Fein  
2 being first duly sworn, testifies and says as  
3 follows:

4                   CROSS-EXAMINATION

5 BY MR. GERAGOS:

6 Q.           Thank you. Good morning. Mr. Fein, we  
7 introduced ourselves off the record. I'm Mark  
8 Geragos, and I represent David Krikorian along  
9 with Chris Finney who is also present. You're  
10 here today with your lawyer.

11 A.           Yes.

12 Q.           Okay. And --

13 A.           Mr. Don Brey.

14 Q.           And I understand that you have -- have  
15 you had your deposition taken before? Have you  
16 taken a deposition?

17 A.           I have taken depositions. I've had my  
18 deposition taken in other cases.

19 Q.           Okay. And you understand what a  
20 deposition is, you're under oath and that there's  
21 going to be a record made of this and that can be  
22 used later on either to impeach you, support  
23 you --

24 A.           Yes, I do.

1                   MR. BREY: I -- I probably should  
2 interject at this point. I know I e-mailed you  
3 folks about this, but I also know that,  
4 Mr. Geragos, you were not present at the  
5 deposition of Mr. Krikorian --

6                   MR. GERAGOS: Uh-huh.

7                   MR. BREY: -- when Mr. Finney did state  
8 that this is a political matter and unless it has  
9 some specific bearing on the allegations, the  
10 complainants don't really go there in terms of  
11 you're not going to explore and fish into  
12 Mr. Krikorian's background for purposes of getting  
13 political text that Mrs. Schmidt wants to throw at  
14 him at a later date. So unless you can give me  
15 some idea why -- I think there was a question that  
16 I believe I withdrew -- that's remotely relevant  
17 to the allegation of this complaint, Armenian  
18 Genocide and the allegations that Mr. Krikorian  
19 has made about it, we're not going to answer that  
20 question or any other questions that really are  
21 not pertinent to the issues at hand. This is page  
22 10 of the transcript.

23                   And he goes on and says that we're  
24 going to try to limit this to the issues at hand

1 instead of giving her whatever ammunition she  
2 wants for her political activities. And I said  
3 okay. I think that's a fair rule of the road as  
4 long as you understand it's going to be applied in  
5 both directions.

6 I don't think you've crossed that. I  
7 just wanted to state at the beginning, but that's  
8 my understanding of the rule of the road for what  
9 we're here today on.

10 Q. So Mr. Fein, presently, are you a -- do  
11 you know what the Turkish American Legal Defense  
12 Fund is?

13 A. Yes.

14 Q. Do you have a connection to the Turkish  
15 American Legal Defense Fund?

16 A. Yes, I'm a lawyer with -- it's known as  
17 TALDF is the acronym.

18 Q. And when you say you're a lawyer, did  
19 you form the Turkish American Legal Defense Fund?

20 A. I was asked at one time and I still do  
21 work in communications for the Turkish Coalition  
22 of America, and there seemed to be a large number  
23 of First Amendment and related issues that had  
24 concerned the Turkish-American community. And I

1 amongst others talked about forming a Turkish  
2 American Legal Defense Fund as an arm similar to  
3 the NAACP Legal Defense Fund and other legal  
4 defense funds to protect free speech rights.

5 Q. So my question was --

6 A. So to that extent, was I a participant  
7 in discussing it, yes.

8 Q. No. I asked you if you formed it. In  
9 other words, did you --

10 A. Oh, form?

11 Q. -- prepare the legal documents?

12 A. No.

13 Q. Did you come up with the idea for it?

14 A. By myself, no.

15 Q. Well, did you do it in connection with  
16 somebody else?

17 A. I think I participated in discussing  
18 this idea, yes.

19 Q. With who?

20 A. David Saltzman, who is also a lawyer  
21 for the Turkish American Legal Defense Fund. I  
22 think I may have discussed it with Lincoln McCurdy  
23 as well.

24 Q. Okay. And would you -- do you remember

1 what year that was?

2 A. I think it was this year, 2008, or  
3 maybe it was late 2007.

4 Q. Okay. And did you --

5 A. Something like that.

6 Q. Did you form -- are there only two  
7 principals of the -- you call it TALDF; is that  
8 correct?

9 A. That's correct.

10 Q. And are there only two principals of  
11 TALDF?

12 A. Yes. If I can explain, TALDE to my  
13 understanding is not a separate corporate entity.  
14 It is under the umbrella of the Turkish Coalition  
15 of America.

16 Q. Okay.

17 A. And it's paid by the Turkish Coalition  
18 of American. It's not separately incorporated  
19 with a separate board of directors.

20 Q. And are there only two principals of  
21 TALDF?

22 A. There are only two lawyers who work for  
23 it. The answer is yes if that's --

24 Q. And the two lawyers are you and

1 Mr. Saltzman?

2 A. Correct.

3 Q. Who is Mr. Saltzman's partner?

4 A. I don't know.

5 Q. You don't know his partner?

6 A. As -- I mean in TALDF? No, he works  
7 with me.

8 Q. Does he have a partner in his law firm?

9 A. What's his law firm's name?

10 MR. BREY: I would object.

11 Q. Do you know his law firm?

12 MR. BREY: I would object.

13 MR. GERAGOS: I understand you're  
14 objecting. Are you instructing him not to answer?

15 MR. BREY: I would object and ask you  
16 to tell me, give me some idea why that's remotely  
17 relevant to the allegations of the complaint --

18 MR. GERAGOS: Okay. We're laying a  
19 foundation --

20 MR. BREY: -- and your meaning of  
21 genocide and the --

22 MR. GERAGOS: When I finish -- it's all  
23 foundational. I'm just establishing.

24 Q. Who is Mr. -- who is Mr. Saltzman's

1 partner?

2 MR. BREY: Again, I will object --

3 MR. GERAGOS: Are you instructing him  
4 not to answer? That's all I'm asking.

5 MR. BREY: Well, I'd like to complete  
6 my objection.

7 MR. GERAGOS: Well, normally I just  
8 don't do speaking objections. It's just objection  
9 on what the grounds are, and then you can tell him  
10 to answer or not answer.

11 MR. BREY: Well, my objection is that  
12 the ground rules are that unless you can give me  
13 some idea of --

14 MR. GERAGOS: I didn't agree to any  
15 ground --

16 MR. BREY: -- relevance --

17 MR. GERAGOS: I didn't agree to any  
18 ground rules, so --

19 MR. BREY: Well, your client --

20 MR. GERAGOS: I understand. I'm not  
21 here to waste --

22 MR. BREY: -- through counsel did agree  
23 to the ground rules.

24 MR. GERAGOS: No. We didn't. There

1 was an order. If you wanted ground rules, we were  
2 on for over an hour, you could have established  
3 them --

4 MR. BREY: We established the ground  
5 rules with -- with, you know --

6 MR. GERAGOS: I wasn't --

7 MR. BREY: -- in a deposition.

8 MR. GERAGOS: -- privy to that.

9 MR. BREY: You were privy to it, so --

10 MR. GERAGOS: Whatever you want. I'm  
11 asking --

12 THE REPORTER: One at a time please.

13 Q. Who is Mr. Saltzman's partner?

14 MR. BREY: I would --

15 Q. His law partner.

16 MR. BREY: I would object unless you  
17 will show me why that's --

18 MR. GERAGOS: Are you instructing him  
19 not to answer?

20 MR. BREY: -- remotely relevant to  
21 the --

22 MR. GERAGOS: Then that would be  
23 objection relevance. That's how you do it. So if  
24 you want to make the objection relevant --

1 MR. BREY: You know, you can make your  
2 objections the way you do. I'll make them the way  
3 I do.

4 MR. GERAGOS: You can do whatever you  
5 want.

6 MR. BREY: I appreciate that.  
7 Q. Can you answer that question?

8 MR. BREY: I think that if you think  
9 you are not bound by the ground rules maybe this  
10 is a time that we can have a conversation with  
11 Phil Richter.

12 MR. GERAGOS: We don't need to.  
13 Q. Now, did you --

14 MR. BREY: In that case, I'll instruct  
15 him not to answer.

16 Q. The Turkish Coalition of America, are  
17 you a member of the Turkish Coalition of America?

18 A. I work with the Turkish Coalition of  
19 America on communications. I don't know --  
20 there's not a -- to my knowledge, it's not a  
21 membership organization.

22 Q. Did you form the Turkish Coalition of  
23 America?

24 A. No.

1 Q. Do you know who did?

2 A. It would just be speculation.

3 Q. Well, speculate. Who is it?

4 MR. BREY: Objection. I instruct the  
5 witness not to speculate. You're entitled to what  
6 he knows and not to what he speculates to.

7 MR. GERAGOS: No. I'm entitled to any  
8 information that may lead to relevant evidence.

9 MR. BREY: Speculation --

10 A. Yes. It would be pure speculation. I  
11 don't know.

12 Q. And what's the address of the Turkish  
13 Coalition of America?

14 A. All I know is the Washington, D.C.  
15 address.

16 Q. And what is that address?

17 A. It's 1025 Connecticut Avenue Northwest,  
18 Suite 1000.

19 Q. Okay.

20 A. And the zip code is 20036.

21 Q. Is that also the address for the  
22 Turkish American Legal Defense Fund?

23 A. Yes, it is.

24 Q. Okay. Is that also an address that you

1 use for Fein & Associates?

2 A. Occasionally, yes.

3 Q. When you say "occasionally," do you

4 have another office address besides that?

5 A. I do. I have an office at -- out of a

6 home in Wellington, Florida.

7 Q. Out of where?

8 A. Wellington, Florida.

9 Q. Florida. So the only other actual

10 office that's not in a home is at the same

11 location as the Turkish American Legal Defense

12 Fund?

13 A. Yes.

14 Q. And that's also the same location of

15 the Turkish Coalition of America?

16 A. Yes.

17 Q. And specifically, does the location in

18 Washington, D.C. also house any other

19 organizations that you're aware of?

20 A. I think that the building houses lots

21 of different organizations, but --

22 Q. No, I'm talking --

23 A. -- I don't know about that.

24 Q. I'm talking about that floor. Have you

1 ever heard of the Assembly of Turkish American

2 Associations?

3 A. I have heard of that.

4 Q. Okay. Didn't you represent them?

5 A. I didn't represent them. I at one time

6 -- I worked with them years ago, but I have no

7 knowledge that they're in that building.

8 Q. Well, when you say -- didn't you

9 represent them in the year 2000?

10 MR. BREX: Object.

11 Q. Didn't you represent that the Turkish

12 -- the ATAA in the year 2000 and 2001?

13 A. What do you mean by representation?

14 That's unclear to me.

15 Q. Did you act as the attorney for them?

16 A. I did not act as an attorney for them,

17 no.

18 Q. No? And you didn't file documents in

19 the district court of Ohio?

20 A. I -- I -- I do have a recollection,

21 yes. Mr. Krikorian, in fact he excused me --

22 Mr. Geragos, you are in that case. This was a

23 sentencing proceeding out in Northern District of

24 Ohio concerning a Mourad Topalian.

1 Q. Right. And specifically I'm going to  
2 ask you, did -- you are an attorney at law,  
3 correct?

4 A. Correct.

5 Q. And at one point did you office at 6515  
6 Sunny Hill Court in McLean, Virginia?

7 MR. BREY: Objection. I don't know how  
8 that's relevant to any issue in this case.

9 MR. GERAGOS: Okay. Do you want -- is  
10 that -- are you instructing him not to answer?

11 MR. BREY: Unless you comply with the  
12 ground rules and tell me --

13 MR. GERAGOS: I'm not complying with  
14 any ground rules and any of your nonsense.

15 MR. BREY: Excuse me. I --

16 Q. Do you see this, Mr. Fein? Is this  
17 your letterhead?

18 MR. BREY: I did not --

19 MR. GERAGOS: I don't have -- I don't  
20 -- if you have an objection, state it. If you are  
21 just going to stutter, I don't want --

22 MR. BREY: You have no right to  
23 interrupt me. I'm not stuttering --

24 MR. GERAGOS: I can interrupt any time

1 I want.

2 MR. BREY: Then I will interrupt you  
3 any time I want and complete my objection.

4 MR. GERAGOS: That's fine.

5 Q. Is this your letterhead, Mr. Fein?

6 A. Yes.

7 Q. And that shows you as having an office  
8 in McLean, Virginia, correct?

9 A. Yes.

10 Q. Okay. Now, is this --

11 A. That was an --

12 Q. -- document --

13 A. -- office that was out of my home.

14 Q. Is this a document that you wrote and  
15 you authored, the one I'm showing you?

16 MR. BREY: I would object. This is  
17 attorney/client representation. I mean, you can  
18 ask whether he signed it. But who authored it, I  
19 don't think -- I think that's a work product  
20 protection.

21 Q. Did you author this?

22 MR. BREY: Objection. Instruct the  
23 witness not to answer.

24 Q. Is that your signature?

1 A. Privileged.

2 Q. it's privileged as to whether you

3 authored it?

4 Did you address it to a court, a

5 federal district judge?

6 A. It speaks for itself.

7 Q. Well, I didn't ask you if it speaks for

8 itself. Did you address to Ann Aldrich?

9 A. Yes.

10 Q. Okay. And did you file this and have

11 this cause to be filed in a federal district

12 court?

13 A. Yes.

14 Q. And in there did you write that it's a

15 -- a document that you requested be considered as

16 a memorandum?

17 A. Yes.

18 Q. Okay. And does the first paragraph

19 say: Comes now the Assembly of Turkish American

20 Associations by and through its counsel, Bruce

21 Fein?

22 A. Yes, that's what it says.

23 Q. Was that an accurate statement that

24 you --

1 A. Yes.

2 Q. -- represented the Association or the

3 Assembly of Turkish American Associations, ATAA?

4 A. Yes.

5 Q. And when you filed this, it was dated

6 October 20th of 2000; is that correct?

7 A. Yes, that letter is dated October 20th,

8 2000.

9 Q. Okay.

10 MR. GERAGOS: The record could reflect

11 that Tina Glandian, who is an associate of my

12 office, is also present.

13 And I'm going to mark this as

14 exhibit first in order.

15 - - - - -

16 Thereupon, Defendant's Exhibit A is marked

17 for purposes of identification.

18 - - - - -

19 Q. How long had you represented the

20 Assembly of Turkish American Associations by -- at

21 the time of November of 2000?

22 A. My recollection is I represented them

23 in that case for that case. I was not a permanent

24 lawyer for ATAA.

1 Q. When you well -- when you say your  
2 recollection, when I first asked you about this  
3 just a couple minutes ago, you had no recollection  
4 of ever representing them; is that correct?

5 A. That is right.

6 Q. Okay. And now that I've shown you the  
7 actual document, does that refresh your  
8 recollection that you did in fact represent them?

9 A. Yes, on that case.

10 Q. And specifically did you not only file  
11 a -- something that you called either a memorandum  
12 or a letter, did you also make an appearance in  
13 this case?

14 A. Yes. I was present and I had an  
15 opportunity to make a statement before Judge  
16 Aldrich.

17 Q. Okay. Now, who hired you to represent  
18 the Assembly of Turkish -- whatever it is?

19 A. I -- I was --

20 Q. The ATAA.

21 A. ATAA had -- I was working with them in  
22 a different capacity, not necessarily as a lawyer,  
23 writing and examining the record with regard to  
24 the application of the genocide convention and the

1 statutes against genocide to the World War I  
2 events.

3 Q. And when was that, when were you hired?

4 A. My best recollection would be in around  
5 2000, 1999, something like that.

6 Q. Okay. When you say not as a lawyer,  
7 what were you retained as?

8 A. Just as a writer and an advocate on  
9 this issue and the application of the law there.  
10 I was not filing court papers, and I was not  
11 retained as a lawyer.

12 Q. And when did that change into you  
13 acting as a lawyer?

14 A. That -- I believe they asked me to  
15 prepare that document because the Topalian -- the  
16 people at ATAA.

17 Q. Well, who is it that asked you?

18 A. Who was the director and the  
19 controlling --

20 Q. No, who asked you?

21 A. -- person?

22 Q. Who asked you?

23 A. It would be the people who were running  
24 ATAA.

1 Q. Weren't you running ATAA?  
2 A. No, I was not.  
3 Q. You didn't have anything to do with  
4 ATAA except the -- except as some kind of a  
5 scholar or adjunct?  
6 A. That is correct.  
7 Q. Do you know who formed ATAA then?  
8 A. No.  
9 Q. Was it you?  
10 A. No.  
11 Q. Was it Mr. Saltzman?  
12 A. I don't think so, but I don't know who  
13 formed it.  
14 Q. Wasn't Mr. Saltzman and his partner  
15 involved in the ATAA back then?  
16 A. I don't know what their involvement  
17 was. I know that David Saltzman is interested in  
18 these issues and he may have been involved. I  
19 think Gunay Evinch was involved in some capacity,  
20 but I don't know whether they formed it.  
21 Q. When you say "involved in some  
22 capacity," those are the only two people that you  
23 ever met in connection with ATAA; isn't that  
24 correct?

1 A. No. I had met Guler Koknar who was  
2 also someone who worked on the day-to-day  
3 operations.  
4 Q. Okay. And there isn't anybody besides  
5 those three, is there, that you ever met?  
6 A. I met them. I can't say I recollect  
7 their particular names, but in meetings there are  
8 certainly more than those three.  
9 Q. Well, those three are the only two  
10 whose names you can recollect; is that correct?  
11 A. That is right, yes.  
12 Q. And specifically those three are the  
13 only three that have ever contacted you regarding  
14 any of these issues directly; isn't that correct?  
15 A. Any of these issues meaning?  
16 Q. Well, any of the -- you've been a --  
17 you consider yourself to be a genocide denier?  
18 A. No.  
19 Q. Well, haven't you written articles  
20 that -- denying the genocide?  
21 A. I've taken a position on the state of  
22 the evidence at present. There has never been in  
23 my judgment a tribunal that has adjudicated the  
24 case of whether or not the events of 1915

1 satisfied the 1948 convention against genocide or  
2 the federal statute that implements that  
3 convention. The evidence --

4 Q. I didn't ask you --

5 A. -- to my knowledge --

6 Q. I didn't ask you that. I just asked a  
7 simple question.

8 A. I have -- I'm trying to explain my -- I  
9 understand that.

10 MR. BREY: You have no right to  
11 interrupt the witness.

12 MR. GERAGOS: Stop. Are you yelling me  
13 at for some reason?

14 MR. BREY: You have no right to  
15 interrupt witness.

16 MR. GERAGOS: Why don't you just relax.

17 MR. BREY: Why are you interrupting all  
18 the time? You have no right to interrupt the  
19 witness.

20 MR. GERAGOS: Because I will conduct  
21 this deposition --

22 MR. BREY: You have no right to  
23 interrupt the witness' response.

24 MR. GERAGOS: You have some kind of a

1 chip on your shoulder. Relax.

2 MR. BREY: You have some kind of a  
3 perversion in terms of how you ask questions.

4 MR. GERAGOS: I can ask questions.  
5 When you --

6 MR. BREY: You have no right to  
7 interrupt a witness when they're testifying.

8 MR. GERAGOS: We're not going to talk  
9 to you.

10 Q. Now, let me ask you a simple question.

11 MR. BREY: When he's through with  
12 answering the question.

13 A. I was not through with the answer.

14 MR. GERAGOS: He's answering a question.  
15 I didn't ask.

16 MR. BREY: I instruct the witness --

17 MR. GERAGOS: That's fine. Instruct  
18 him to do whatever you want.

19 MR. BREY: -- not to answer any  
20 questions unless he finishes the answer to the  
21 question that you interrupted and cut him off  
22 from.

23 Q. Do you have a connection with something  
24 called the Lichfield Group?

1 MR. BREY: Have you, Witness, answered  
 2 the question he interrupted you on?  
 3 THE WITNESS: No.  
 4 MR. BREY: Would you like to finish  
 5 that?  
 6 MR. GERAGOS: We're not here to -- to  
 7 let him like to do anything else. I'm conducting  
 8 the deposition. If you want to ask him questions,  
 9 when I'm done, you will have that opportunity.  
 10 MR. BREY: That's not how it works.  
 11 MR. GERAGOS: That's way a deposition  
 12 works.  
 13 MR. BREY: No. The way a deposition  
 14 works is you can ask a question.  
 15 MR. GERAGOS: I don't need to get into  
 16 a discussion with you.  
 17 MR. BREY: You started with Mr. Fein --  
 18 you asked a question --  
 19 Q. Mr. Fein, are you a principal of the  
 20 Lichfield Group?  
 21 MR. BREY: He can ask you a question  
 22 and you can answer it. He has no right to  
 23 interrupt your answer and tell you not to.  
 24 MR. GERAGOS: I will interrupt if he's

1 not answering and if it's not responsive. And  
 2 that's exactly what it was.  
 3 MR. BREY: No. You make an objection.  
 4 Q. Are you a principal of the Lichfield  
 5 Group?  
 6 A. Yes.  
 7 Q. Is there any other person who's also a  
 8 principal of that group?  
 9 A. My wife.  
 10 Q. All right. And are you a registered or  
 11 have you been a registered foreign agent?  
 12 A. Ever?  
 13 Q. Yes.  
 14 A. Yes.  
 15 Q. How many different governments have you  
 16 been a registered foreign agent for?  
 17 A. One.  
 18 Q. What was that?  
 19 A. The government of Sudan years ago.  
 20 Q. How about the government of Togo?  
 21 A. I think I was.  
 22 Q. Okay. So your answer one is incorrect?  
 23 A. Yeah. I --  
 24 Q. How about the government of Pakistan?

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1 A. I could have been. That's years as  
2 ago.  
3 Q. Okay. So when you when you said --  
4 A. I'm -- I do not --  
5 Q. I just asked a simple question.  
6 A. Those are years ago.  
7 Q. Okay. I asked you if you had been a  
8 registered foreign agent; you said one. That's  
9 incorrect, right?  
10 A. That's -- yeah, that was --  
11 Q. That is incorrect.  
12 And you've been a registered foreign  
13 agent for at least three other governments; isn't  
14 that correct?  
15 A. I don't have any distinct recollection,  
16 Mr. Geragos. You're talking about years ago.  
17 Q. Well --  
18 A. So --  
19 Q. -- when you say --  
20 A. -- you're asking me --  
21 Q. When you say years ago, are we talking  
22 about the 1990s?  
23 A. I consider that years ago, yes.  
24 Q. Okay. And specifically when you

1 registered as a foreign agent for Togo, do you  
2 remember what year that was?  
3 MR. BREY: I would object and instruct  
4 the witness not to answer unless you show there's  
5 some basis why this is remotely relevant to the --  
6 MR. GERAGOS: It goes to -- it goes to  
7 the precise allegations of this case. If you want  
8 to keep instructing him not to answer, that's your  
9 look out.  
10 Q. The Assembly of Turkish American  
11 Associations, is that a group that is also housed  
12 at this same address in -- is that Connecticut  
13 Avenue, the 1000 block?  
14 A. Not to my knowledge, no.  
15 Q. Okay. Do you know where it's housed?  
16 A. No.  
17 Q. Have you referred to yourself as a  
18 resident scholar or an adjunct scholar of the  
19 ATAA?  
20 A. Years ago.  
21 Q. Okay. And have you in addition to that  
22 posted commentary on their website?  
23 A. I would not have personally posted  
24 commentary on their website. What is the time

1 frame?  
2 Q. Do you know if -- I'm asking you if you  
3 go to the ATAA website if there's commentary by  
4 you posted on there?  
5 A. I don't know. I have not visited the  
6 ATAA website.  
7 Q. Do you know who operates the ATAA?  
8 A. No.  
9 Q. Okay. Are you familiar with Sible  
10 Edmonds?  
11 A. The only occasion I've had to encounter  
12 her was her deposition in August.  
13 Q. Okay. When you --  
14 A. In -- in this case.  
15 Q. You attended that deposition?  
16 A. I attended the deposition, yes, sir.  
17 Q. And did you hear about the allegations  
18 that she made?  
19 A. I listened to everything she said.  
20 Q. Okay. And do you have reason to  
21 believe that any of those allegations are untrue?  
22 A. I have reason to suspect all of them  
23 are untrue.  
24 Q. Okay. What's the reason that you

1 suspect that they're untrue?  
2 A. Well, Mr. Geragos, she made so many  
3 allegations, you would have to start identifying  
4 which ones.  
5 Q. I will. I will.  
6 A. For example one -- I'll give you an  
7 example. One of the allegations that she made --  
8 Q. Well, you asked me to identify and I  
9 will do that.  
10 A. Seven allegations. She -- she made  
11 allegations that the following members of Congress  
12 had taken bribes from the Turkish government:  
13 Dennis Hastert, Tom Lantos, Dan Burton, Roy Blunt,  
14 Robert Livingston -- let's see, what other one,  
15 maybe -- and then those I have reason to believe  
16 are all lies.  
17 And plus she also made the allegation  
18 that a current member of Congress, a woman, had  
19 attempted to be blackmailed by the FBI and some  
20 woman from a Turkish organization by showing that  
21 she had lesbian orientation and there are  
22 photographs that were taken of her being  
23 compromised, but she didn't give the name of this  
24 person, there have been speculations afterwards,

1 because she didn't know whether she was  
2 successfully blackmailed as regarding some of her  
3 positions in Congress. Those are some examples of  
4 things that I believe are blatant lies.

5 Q. Well, let's start with the Livingston.

6 A. Uh-huh.

7 Q. Are you familiar with former  
8 Congressman Livingston?

9 A. Robert Livingston.

10 Q. Yeah.

11 A. I know who he is.

12 Q. And is he registered foreign agent for  
13 the government of Turkey?

14 A. I have never checked myself.

15 Q. You don't know as you sit here?

16 A. Do I -- do I -- she said that. I think  
17 it -- I've heard and read published reports that  
18 it's -- as you well know, Mr. Geragos, when you  
19 register as a foreign agent, you file something  
20 with the Justice Department. I think copies go to  
21 the State Department. I have not gone to that --  
22 those registered sites to confirm or not whether  
23 that's true. In the public statements, public  
24 record, newspapers, there's an indication that The

1 Livingston Group, at least at one time, was a  
2 registered foreign agent for the government of  
3 Turkey.

4 Q. Have you ever met with Mr. Livingston?  
5 Have you ever met with Mr. Livingston?

6 A. I met with Mr. Livingston I think the  
7 first time when he was a member of Congress, and  
8 it was in conjunction I believe in impeachment of  
9 William Jefferson Clinton.

10 Q. Okay. Well, the -- have you met with  
11 him since then in regards to any Turkish issues?

12 A. Not with regard to Turkish issues.

13 Q. Okay. Did you have anything to do with  
14 The Livingston Group in a delegation of members of  
15 the Turkish parliament and a reception that was  
16 hosted by the Turkish Coalition of America with --  
17 that was attended by Jean Schmidt?

18 A. No.

19 Q. You had nothing to do with that?

20 A. No.

21 Q. You weren't there?

22 A. No.

23 Q. You didn't talk to them?

24 A. No.

1 Q. And you said you've got reason to  
2 believe that Sible Edmonds' allegations are a lie  
3 in regards to Mr. Livingston being bribed?

4 A. Yes.

5 Q. Okay. And on what do you base that  
6 reason?

7 A. No. 1, ordinarily if you have  
8 allegations of bribery, you take them to the FBI,  
9 The Justice Department and you produce some proof  
10 of money passing from the government to an  
11 individual in exchange for taking a position in  
12 Congress. So the gist of her allegations were  
13 that, Mr. Geragos, that money was given to these  
14 members to shape their view on the particular  
15 Armenian resolutions pending in Congress.

16 Now, when I asked Sible Edmonds at that  
17 deposition whether she had ever gone to  
18 Mr. Holthouse or others and claims that these  
19 crimes had occurred, she said no. And so based  
20 upon the state of the public record, the  
21 seriousness of the allegations, and we know the  
22 Justice Department, I was there for 15 years, we  
23 investigate very seriously allegations of crimes  
24 against members of Congress, and that nothing of

1 that sort of inquiry has undertaken, gives me a  
2 moral certainty that Mr. Livingston did not take a  
3 bribe from the government of Turkish to affect any  
4 position he had as a member of Congress.

5 Q. Well, so it's because there was no  
6 investigation done? Do you -- did you understand  
7 that Ms. Edmonds was under an obligation where she  
8 could not report it at the time?

9 MR. BREY: Which question do you want  
10 an answer to? You asked two.

11 MR. GERAGOS: He doesn't seem to have a  
12 problem with answering the question.

13 Q. Do you -- did you understand that when  
14 you listened to her deposition?

15 A. She was making all sorts of  
16 allegations, and only she could know whether or  
17 not -- my understanding of the prohibition was  
18 that if she believed something from the public  
19 domain, even if it had previously been  
20 classified -- because, you know, in her case there  
21 had been a retroactive classification of some of  
22 the things that she had stated to Congress -- then  
23 she could refer to those kind of things. I had  
24 asked her whether at present based upon her

1 current state of knowledge she had gone to the  
2 attorney general, the FBI, and reported these  
3 crimes. She said no.

4 Q. Okay. I'm not asking you about that.  
5 I'm asking you specifically: Do you have any  
6 information that the wire taps that she listened  
7 to or any of the investigative reports that she  
8 translated and what she testified to independently  
9 are false?

10 A. My -- I think the overwhelming  
11 circumstantial evidence is yes. I worked with the  
12 FBI long, long years. These are people of the  
13 highest integrity. There was never a case where I  
14 had ever encountered the FBI overlooking a serious  
15 allegation of a crime of bribery committed by a  
16 member of Congress with indifference. So that if  
17 she had that information that would be available  
18 to the FBI -- it's a Title III wiretap -- and  
19 nothing was done, then that gives me confidence to  
20 a moral certainty that the crime had not been  
21 committed.

22 Q. I'm not asking you --

23 MR. BREY: I would also object --

24 Q. I'm not asking you whether you've got a

1 moral certainty. I'm asking you do you have any  
2 evidence? Did you --

3 A. Circumstantial evidence is evidence in  
4 my mind.

5 Q. There's no circumstantial evidence --  
6 what circumstantial evidence do you have?

7 A. The circumstantial evidence is that the  
8 FBI handles jurisdiction over bribery cases  
9 against members of Congress.

10 Q. Right. And --

11 A. And if she had the information in a  
12 Title III wiretap available to the FBI, which did  
13 nothing --

14 Q. Why --

15 A. -- because the FBI has undertaken no  
16 investigation of Mr. Livingston's bribery.

17 Q. Do you know that? How do you know  
18 that?

19 A. That is -- because these --

20 Q. How do you know that?

21 MR. BREY: Objection.

22 A. The circumstantial evidence is  
23 overwhelming.

24 Q. What is the circumstantial evidence?

1 Because there was no investigation?  
2 A. The regularity of the proceedings of  
3 the FBI. Mr. Geragos, I worked there for 15  
4 years.  
5 MR. BREY: We're going to take a break  
6 right now.  
7 MR. GERAGOS: We've heard that four  
8 times.  
9 MR. BREY: Off the record. We're going  
10 to Phil Richter right now --  
11 Q. We've heard that four times and --  
12 MR. BREY: -- to see whether you can  
13 continue interrupting Counsel and --  
14 Q. Specifically I'm asking you --  
15 MR. GERAGOS: Are you going to stop the  
16 deposition?  
17 MR. BREY: We are going to stop the  
18 deposition to talk to Phil because you are using  
19 abusive behavior over and over again, interrupting  
20 the witness --  
21 MR. GERAGOS: It's too bad we don't  
22 have a videotape of this that we could see your  
23 actions in this. The only abusive behavior is you  
24 standing up and apparently have a blood pressure

1 problem. I'm asking questions. And I'm not -- we  
2 don't need to call Mr. Richter like reporting to  
3 the principal's office. You're either going to  
4 produce him to answer the questions or you're not.  
5 Q. Mr. Fein, are you going to refuse to  
6 answer the questions?  
7 MR. BREY: We're not doing anything  
8 until we talk to Phil.  
9 A. I'm waiting for my counsel.  
10 MR. GERAGOS: I'm not agreeing to talk  
11 to Mr. Richter about anything.  
12 THE REPORTER: Are we off the record  
13 now?  
14 MR. BREY: It's up to Mr. Geragos.  
15 Let's stay on the record.  
16 (Mr. Richter is called.)  
17 MR. RICHTER: This is Phil Richter.  
18 MR. BREY: Hi, Phil, this is Don Brey.  
19 We're here at my office with a cast of characters.  
20 Bruce Fein is being deposed. We also have  
21 Mr. Geragos, who is taking his deposition, and we  
22 have Chris Finney and another woman who's counsel  
23 to -- Tina Glandian?  
24 MS. GLANDIAN: Yes.

1 MR. BREY: -- who is co-counsel with  
2 Mark Geragos and David Krikorian. Against  
3 Mr. Geragos' wishes, I called a stop because I  
4 wanted to chat with you. Mr. Geragos has  
5 repeatedly interrupted the witness, talked over  
6 the witness, talked over me. And I believe that  
7 that's improper conduct of a deposition.

8 MR. GERAGOS: I'm going to --  
9 Mr. Richter, I don't know why he's calling you  
10 other than he seems to have some kind of a chip on  
11 his shoulder this morning. I'm asking questions,  
12 he jumps in the middle of it, he doesn't -- if I  
13 -- if I ask a question that I don't get an answer  
14 to and ask it again, he jumps in the middle. I  
15 don't even know why we're on the phone with you,  
16 frankly. I'm trying to ask questions of Mr. Fein,  
17 and Mr. Brey is -- jumps in the middle and seems  
18 to have some kind of issue with me this morning,  
19 which I -- which I guess seems to be a  
20 continuation of the issues that he had with me  
21 when we were on the phone before. I'm at a loss  
22 to figure out why we're on the phone with you,  
23 other than he just doesn't seem to want the  
24 deposition to go forward.

1 MR. BREY: Phil, that's not the case.  
2 But obviously one of his characteristics is to  
3 make personal comments towards me as he's doing  
4 now and how he has done throughout the deposition,  
5 which is -- I'm sort of inured to that. I'm not  
6 too concerned about that.

7 But, Bruce, how many times would you  
8 estimate he's interrupted you from answering a  
9 question?

10 MR. GERAGOS: You know, Phil --  
11 Mr. Richter, I frankly am not going to be a party  
12 to I guess an evidentiary hearing on the  
13 deposition. We have a court reporter here. The  
14 court reporter is taking down everything that's  
15 happening. I -- I've asked him if he's going to  
16 instruct -- if he's going to object -- and rather  
17 than doing speaking objections to just object and  
18 state the grounds and either instruct the witness  
19 to answer or not answer. He gets fired up every  
20 single time and starts stuttering and -- and  
21 getting into it. I don't need to go there. All I  
22 need -- and we've got a record. And I would just  
23 ask that you instruct him to conduct himself  
24 appropriately at the deposition and we have a

1 record of it, and I don't even know why we're  
2 calling you at this point.

3 MR. BREY: Well, we're calling you  
4 because he interrupts the witness when the witness  
5 is answering. He interrupts me when I say  
6 anything and then accuses me of stuttering. You  
7 know, if the record shows that I'm behaving  
8 inappropriately, that's fine. I did read to him  
9 the agreement that Chris Finney said on the ground  
10 rules, and I think part of the issue is he doesn't  
11 think the ground rules should apply to him.  
12 Although that's really -- sort of off the point.  
13 My main concern is he has a right to ask a  
14 question, you know, I have a right to state an  
15 objection, and the witness has a right to answer  
16 the question without interruption, all of us.

17 MR. RICHTER: It all sounds reasonable  
18 to me. I'm not there, so I certainly haven't been  
19 able to witness any of the goings on. It's a  
20 little tough to get in the middle of those kind of  
21 things.

22 MR. FINNEY: Phil, this is Chris  
23 Finney. It just seems to me that the record is  
24 going to be what the record is. Mr. Geragos

1 doesn't like how Mr. Brey is interrupting him, and  
2 Mr. Brey doesn't like how Mr Geragos is asking  
3 questions. The elections commission will be able  
4 to sort all of that out if deposition is used for  
5 impeachment purposes or used for testimony  
6 purposes at the hearing. So as far as I'm  
7 concerned, it just ought to go forward and, you  
8 know, let the chips fall where they may.

9 MR. BREY: I'm not --

10 MR. RICHTER: Hold on there. That  
11 certainly sounds reasonable to me. But I'll  
12 admonish both sides just to -- let's just make  
13 sure this thing gets done, let's just make sure  
14 this thing moves along at an appropriate pace,  
15 allow persons to answer, and neither side  
16 hopefully would jump in where they shouldn't be  
17 jumping on both sides.

18 MR. BREY: All right. I appreciate it.  
19 So I think if we don't interrupt each other, I  
20 won't interrupt him, he won't interrupt me and the  
21 witness, and we should be able to get this done I  
22 hope.

23 MR. RICHTER: I hope. That works for  
24 me.

1 MR. BREY: Thank you, Phil.

2 MR. RICHTER: Gentlemen, have a great  
3 day.

4 BY MR. GERAGOS:

5 Q. I'm going to ask you again. The  
6 specific -- specifically the commentary at the  
7 ATAA -- oh, wait a second, let's go back.

8 A. Yeah.

9 Q. You don't have any evidence other than  
10 just -- you haven't seen any documentary evidence  
11 that would refute any of Sible Edmonds'  
12 allegations, have you?

13 A. Documentary evidence.

14 Q. Right. Do you understand what I'm  
15 saying --

16 A. Well, yes.

17 Q. -- by "documentary evidence"?

18 A. Yes, I do.

19 Q. And documents --

20 A. And my evidence is circumstantial  
21 evidence based upon my long years. That's what it  
22 is.

23 Q. Okay. Now, when you say  
24 "circumstantial evidence," circumstantial evidence

1 generally includes documentary evidence, does it  
2 not?

3 A. It may or may not.

4 Q. Okay. And it also would include things  
5 like witnesses, potentially; isn't that correct?

6 A. Documentary evidence or circumstantial  
7 evidence?

8 Q. Circumstantial evidence.

9 A. It could be. Could be the absence of  
10 witnesses.

11 Q. Okay. Well, do you have any -- have  
12 you talked to any witnesses who refute Sible  
13 Edmonds' allegations?

14 A. Well, it's hard to get witnesses to  
15 something that didn't happen. I don't know of  
16 anyone who has said they've ever seen or have  
17 belief or have seen Robert Livingston receive  
18 bribes from the government of Turkey, especially  
19 because the bribery allegations means that it  
20 affected his decisions as a member of Congress.  
21 And I'm trying to explain, Mr. Geragos, I believe  
22 as you know as a lawyer there's things called  
23 circumstantial evidence, a regularity of  
24 proceedings that happens.

1 Q. Right. I'm not asking that question.

2 A. When -- when --

3 Q. That's why I interrupted before. I'm

4 asking you a specific question, okay?

5 A. Okay.

6 Q. Do you have -- have you seen any

7 documentary evidence that refutes Sible Edmonds'

8 allegations?

9 MR. BREY: Clarification. Are you

10 talking about just her allegations on the bribery

11 thing?

12 MR. GERAGOS: He's the one who listed

13 these seven allegations.

14 Q. Isn't that what you said?

15 A. Yes.

16 Q. Okay. And have you seen any

17 documentary evidence that refutes those seven

18 allegations?

19 A. I've seen no documentary evidence on

20 either side of the equation.

21 Q. Okay. Didn't she testify that she had

22 seen documentary evidence?

23 A. That's not my recollection, no.

24 Q. Okay. Well, you said there was a Title

1 III wiretap, didn't you?

2 A. That doesn't mean it's documents.

3 That's overhearing conversations. And my --

4 Q. Well, do you know what --

5 A. My recollection -- my recollection,

6 Mr. Geragos, of her testimony was not that she

7 heard voices saying words to the effect, let's

8 give Bob Livingston a bribe.

9 Q. All right. I'm asking you didn't she

10 testify that she had -- that she was privy to

11 documentary evidence about members of Congress

12 being compromised -- and I think you listed the

13 seven. Wasn't that her testimony?

14 A. My recollection is no. She did not

15 testify, I have documentary evidence that these

16 members of Congress received bribes. That is not

17 my recollection, no, sir.

18 Q. Did she testify that she had

19 circumstantial evidence that these congressman had

20 been --

21 A. I do not -- I do not --

22 Q. -- compromised? Will you let me

23 finish --

24 THE REPORTER: Okay. Right now we're

1 going to stop and we're going to speak one at a  
2 time because this record is a mess. So one at a  
3 time and then the next person talks.

4 Q. I have to finish the question before  
5 she can take down your answer.

6 A. Right.

7 Q. The question is: Didn't she testify  
8 that she had been privy to evidence,  
9 circumstantial, documentary or otherwise, that led  
10 her to make the allegations, what you call the  
11 seven allegations?

12 A. My recollection of her testimony was  
13 that she had evidence that she did not describe  
14 its origins that these members had taken bribes  
15 from the government of Turkey to influence their  
16 official action. And, again, I have no  
17 recollection she tried to characterize it or place  
18 it in any kind of box.

19 Q. Well, did she also make the allegation  
20 that the government of Turkey was using so-called  
21 Turkish cultural or social organizations to  
22 launder moneys to -- to Congresspeople and others  
23 in order to get them to change their position on  
24 the genocide?

1 A. Her deposition speaks for itself, and  
2 there is -- there was general statements about  
3 that being a conclusion. I don't recall whether  
4 she specifically tried to identify the nature or  
5 strength of the evidence or where it came from.

6 Q. Well, wasn't one of the organizations  
7 that she said was taking money from the government  
8 of Turkey the ATAA?

9 A. That's not my recollection, no, sir.

10 Q. Well, do you know who funded the ATAA  
11 back when you were representing them in the year  
12 2000?

13 A. No.

14 Q. Do you know whether or not the  
15 government of Turkey was funding the ATAA?

16 A. No.

17 Q. You don't know as you sit here?

18 A. No.

19 Q. Have you ever inquired as to that?

20 A. No.

21 Q. Well, do you know what your obligations  
22 are as a registered foreign agent, I assume,  
23 correct?

24 A. Yes.

1 Q. Okay. And do you know whether or not  
2 the government of Turkey has funded the Turkish  
3 Defense -- Legal Defense Fund?

4 A. The TALDF is paid by the Turkish  
5 Coalition of America.

6 Q. Do you know where the Turkish Coalition  
7 of American gets its funding?

8 A. I do not trace the background of the --  
9 excuse me, could I take a pause and let me  
10 recollect my thoughts, please.

11 Can you repeat the question?

12 Q. Do you know where the Turkish Coalition  
13 of American gets its funding?

14 A. My understanding is it gets their  
15 predominate amount of funding from its founder who  
16 is in Massachusetts, Mr. Ayasli.

17 Q. And who is that?

18 A. He's a businessman up there who takes a  
19 great interest in Turkish American issues.

20 Q. Okay. Do you know if the -- any of the  
21 funding comes from the government of Turkey?

22 A. To a moral certainty, I would say no.

23 Q. Okay. I'm -- I didn't ask you to a  
24 moral certainty. I'm asking you if you know.

1 A. You need to specify the strength of  
2 conviction, Mr. Geragos, because I don't know  
3 whether the sun will rise in the east and set in  
4 the west tomorrow. I don't know whether you're  
5 not getting money from the government of Armenia.  
6 There are levels of certainty that are required in  
7 answering a question like that because there's  
8 nothing that's absolutely 100 percent certain.

9 MR. GERAGOS: That would be objection  
10 that's not responsive.

11 Q. I'm not asking you for your level of  
12 certainty. I'm not asking you to speculate. Your  
13 lawyer has already objected if there's  
14 speculation. So I'm not asking about any various  
15 degrees of levels of certainty. Do you know  
16 whether the Turkish Coalition of American gets any  
17 funding from the government of Turkey?

18 A. You are asking more a level of  
19 speculation? Because as I explained to you, I  
20 don't know whether the sun will rise in the east  
21 and set in the west tomorrow for absolutely  
22 certainty.

23 Q. I didn't --

24 A. I will repeat that. To my knowledge --

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MR. GERAGOS: And I'll object as nonresponsive.

A. To the best of my knowledge the answer is no.

Q. Okay. Have you done any tracing to see where the funding from TCA comes from?

A. I have not run an independent investigation, hired -- hired investigators, I have not done that.

Q. Okay. Have you done anything to look at the checks that come in for the TCA?

A. No.

Q. Okay. Have you done anything to examine where the -- any of the checks that are solicited who -- who's doing the solicitation for funding?

A. No.

Q. Do you know how much money the -- for instance, when you represented the ATAA back in the year 2000, as detailed in Exhibit A, were you paid by the ATAA to do that?

A. I don't have a recollection. I did get a small amount from my public communications work, but I don't know whether I got anything paid

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special for that.

Q. Were you on retainer with the -- any of these Turkish organizations as a you sit here today?

A. Am I on retainer with ATAA, no.

Q. No. How about any of the -- TCA?

A. I do get a -- for TCA, I get paid independently as small amount for communication -- public advocacy work. So if you want, the two Turkish-related organizations that I'm doing work for today are TALDF, which is -- I'm under an umbrella organization of TCA. That's all.

Q. Okay. And they pay you?

A. Yes.

Q. Okay. Do they pay you for your work on Congresswoman Schmidt's case?

MR. BREY: Objection. I instruct the witness not to answer.

MR. GERAGOS: You're not going to allow him to answer the very gravamen of the offense that you filed a complaint against Mr. Krikorian?

MR. BREY: Since you've asked me to engage in communication, I will tell you that that has nothing to do with it. That very question was

1 asked, it was ruled upon as inadmissible during  
2 Lincoln McCurdy's deposition. The complaint, if  
3 you will read it, deals with the facts as they  
4 existed as of November 2, 2008. It has nothing to  
5 do with who is or who is not paying for the  
6 defense of --

7 MR. GERAGOS: And as we argued at the  
8 hearing and you were overruled and this deposition  
9 was ordered, it's circumstantial evidence of  
10 whether or not there was moneys going to --

11 MR. BREY: I don't think I was  
12 overruled on that point. If you want, we can talk  
13 with Phil again and perhaps --

14 MR. GERAGOS: I don't need to go to the  
15 principal's office.

16 Q. Mr. Fein, when did you first meet  
17 Congresswoman Schmidt?

18 A. My recollection is sometime after the  
19 -- it was either November 2nd or November 4th,  
20 2008 elections.

21 Q. And that was the first time you had met  
22 her?

23 A. Yes.

24 Q. Okay. And did you -- who introduced

1 you?

2 A. No one introduced me to her formally.  
3 My recollection of what happened is there had been  
4 concern at TCA with a nontrivial number of  
5 congressional races where it was thought by those  
6 who did not subscribe to the Armenian thesis of  
7 what happened in World War I, and the resolutions  
8 in Congress were being victimized by what I would  
9 style verbal thuggery, accusations, harassment. I  
10 believe in one instance there was a concern --

11 MR. GERAGOS: That would be an  
12 objection that it's nonresponsive.

13 A. I'm trying to explain the background of  
14 the meeting.

15 Q. I didn't ask for the background.

16 A. Go ahead and ask the question again.

17 Q. You said that you didn't -- that nobody  
18 introduced you; is that correct?

19 A. The -- I'm trying to explain what did  
20 happen. I was asked by --

21 Q. I'm just -- who was --

22 A. I was asked by Lincoln McCurdy if I  
23 would as part of TALDF go speak with Jean Schmidt  
24 about possibly representing her in what ultimately

eventuated in this administrative complaint.

Q. Okay. And were you the one who drafted the complaint?

MR. BREY: Objection. I instruct the witness not to answer.

A. That's privileged material.

Q. How is that privileged material if it's a formal complaint?

A. What?

Q. It's a formal complaint.

A. The complaint --

Q. You're saying that that's privileged?

A. My name is on the complaint as an attorney with Mr. Brey, so it speaks for itself.

Q. And did you -- did you draft that complaint?

MR. BREY: Objection. I instruct the witness not to answer. That's privileged.

A. Privileged material.

Q. Okay. And did you specifically go -- you were not contacted by her or her chief of staff, correct?

A. Correct.

Q. You and a Mr. -- is it McCurdy? --

discussed that matter; is that correct?

A. My recollection that Mr. McCurdy asked me to arrange to meet with Jean to discuss the legal representation.

Q. Okay. And when you did that, did you enter into a retainer agreement?

MR. BREY: Objection. I instruct the witness not to answer.

A. No. We -- we did not have a retainer agreement. I don't think that we drafted --

Q. Okay. And that would have been shortly after the election you think?

A. I think it was December of 2008. There was a period of time that there had to be -- or there was a review by the House Ethics Committee to make certain that the representation was proper. I didn't know all the details or the parliamentary rules, so the representation arrangement was submitted to the House Ethics Committee and --

Q. Did you -- did you submit anything to the House Ethics Committee?

A. No.

Q. Do you know if anybody did?

1 A. My understanding is Jean Schmidt did or  
2 Barry Bennett did.  
3 Q. And who told you that?  
4 A. I think Barry did.  
5 Q. And did you talk first with -- who was  
6 the first person you met, Barry Bennett or Jean  
7 Schmidt?  
8 A. I think I may have met both of them.  
9 Q. At the same time?  
10 A. Yeah.  
11 Q. And when you met both of them at the  
12 same time, did you tell them that you wanted to  
13 draft a complaint or file a complaint in Ohio?  
14 A. That's privileged material.  
15 Q. Barry Bennett's your client?  
16 A. He is -- represents the Jean Schmidt  
17 campaign committee, so we're representing Jean  
18 individually on the campaign committee.  
19 Q. And the campaign committee is being  
20 represented by the Turkish American Legal Defense  
21 Fund?  
22 A. Yes.  
23 Q. And the Turkish American Legal Defense  
24 Fund, have they charged the campaign committee any

1 money for their representation?  
2 MR. BREY: I would object. I think  
3 that's privileged.  
4 A. Well, and it was ruled irrelevant. The  
5 answer is no. We stated that we would do this and  
6 we would not charge them legal fees.  
7 Q. Okay. How many hours would you say  
8 that the Turkish American Legal Defense Fund has  
9 spent in prosecuting this claim against  
10 Mr. Krikorian?  
11 MR. BREY: Objection, privileged.  
12 A. Privileged.  
13 Q. Privileged what?  
14 A. Privileged information.  
15 Q. The amount of time you've spent is  
16 privileged?  
17 A. Yes.  
18 Q. So you're not going to answer that?  
19 A. I'm not answering.  
20 MR. BREY: It's also irrelevant.  
21 Q. Did you travel here to Ohio today?  
22 MR. BREY: Objection. Irrelevant.  
23 A. Do you see me across the table, sir?  
24 Q. I do. To a moral certainty I see you

1 across the table, so --

2 A. Right.

3 Q. So how many hours would you say you've  
4 expended in the prosecution of this complaint?

5 MR. BREY: Objection. Privileged and  
6 irrelevant.

7 A. Yes. Privileged, irrelevant. That's  
8 information that's to be gleaned in my capacity as  
9 representing --

10 Q. Right. Did you --

11 A. -- the complainant.

12 Q. Are you aware of obligations for  
13 disclosing in-kind contributions to federal  
14 elected officials?

15 A. That's the reason why we put in to the  
16 House Ethics Committee to disclose exactly what  
17 was going on here. And I assume the House Ethics  
18 Committee would know their rules better than I  
19 would because they do it all the time.

20 Q. I'm not asking about the House Ethics  
21 Committee. I'm asking you if you are familiar  
22 with the Federal Election Commission?

23 MR. BREY: Objection. Irrelevant.

24 A. I am not an expert with the Federal

1 Election Commission rules on how to report in-kind  
2 contributions and even whether or not these would  
3 be viewed as an in-kind contribution. These  
4 happen not in the context of an election campaign.  
5 TALDF services are not for the purposes of  
6 promoting Jean's election or defeat or anything  
7 else. They're legal service, period.

8 Q. Okay. These legal services were to  
9 draw a complaint in this case. Do you know who  
10 adjudicates this complaint?

11 A. It's before the Ohio Elections  
12 Commission.

13 Q. Okay. So you're providing legal  
14 services before the Ohio Elections Commission and  
15 you feel that you don't have to disclose whether  
16 that's an in-kind contribution?

17 MR. BREY: Objection.

18 A. An in-kind contribution to a campaign?  
19 My understanding is that's not -- has nothing to  
20 do with any campaign whatsoever. But I'm not an  
21 expert in election law.

22 Q. Okay. Is it a fair statement that  
23 you've made no disclosure?

24 MR. BREY: Objection. I -- that's

1 totally irrelevant to any issue in this case.  
2 Q. And is that a -- is that a yes or a no?  
3 You've made a disclosure or you haven't?  
4 A. I've not -- other than the disclosure  
5 to the House Ethics Committee in conjunction with  
6 reviewing this arrangement, I have not filed any  
7 document with the Ohio Elections Commission other  
8 than what my name is on the complaint.  
9 Q. Well, now you say that in connection  
10 with the House Ethics Committee.  
11 A. Uh-huh.  
12 Q. You didn't draft anything in terms of  
13 the House Ethics Committee, did you?  
14 A. No. This was done -- I don't think I  
15 have authority to ask for an opinion. I think  
16 only a member of Congress does.  
17 Q. Okay. Have you ever seen an opinion?  
18 A. No.  
19 Q. Okay. Did you submit any testimony?  
20 A. No.  
21 Q. Did you submit a declaration?  
22 A. No.  
23 MR. BREY: Objection. Irrelevant.  
24 Q. Did you submit anything --

1 MR. BREY: Let me object before you  
2 answer.  
3 THE WITNESS: Sorry. Sorry.  
4 Q. Did you submit anything in connection  
5 with that, talk to an investigator, declaration,  
6 testimony, anything at all in connection with what  
7 you perceived to be an inquiry by the House  
8 Ethics?  
9 MR. BREY: Objection. Irrelevant.  
10 Unless you can tell me why that has some specific  
11 bearing on the allegations, I'm going to instruct  
12 the witness not to answer anything further to this  
13 line.  
14 Q. Who was the person who submitted the  
15 inquiry to the House Ethics as far as you know?  
16 MR. BREY: Objection. Same grounds,  
17 same instruction.  
18 Q. Does that mean you're not going to  
19 answer, Mr. Fein?  
20 MR. BREY: I'm instructing the witness  
21 not to answer unless you can show me some reason  
22 why this is remotely relevant to the allegations  
23 in the complaint.  
24 MR. GERAGOS: I'm asking Mr. Fein.

1 Q. Are you not going to answer?  
 2 MR. BREY: I've so instructed you.  
 3 A. I'm following the advice of counsel.  
 4 Q. Okay. And specifically -- now, did you  
 5 -- has the Turkish American Legal Defense Fund  
 6 paid for any out-of-pocket expenses in connection  
 7 with prosecuting this claim?  
 8 MR. BREY: Objection. Same grounds.  
 9 Instruct the witness not to answer unless you can  
 10 show me --  
 11 MR. GERAGOS: Well, I'll reiterate what  
 12 we said during the hearing that the -- them paying  
 13 her expenses and other things now, illegally I  
 14 would -- I would assert, is circumstantial  
 15 evidence that they were doing the same before,  
 16 which is the precise allegation that you've raised  
 17 that Mr. Krikorian stated was false. And I made  
 18 this same argument to Mr. Richter in the previous  
 19 hearing in which he ordered that Mr. Fein be here.  
 20 MR. BREY: I don't think that was his  
 21 ruling. But if I'm mistaken, I'm certainly  
 22 willing to talk to Phil Richter and have him  
 23 clarify.  
 24 Q. Now, are you going to answer whether --

1 well, let me ask you, do you know who Demir Karsan  
 2 is?  
 3 A. Yes.  
 4 Q. And I think it's D-M-I-R, last name  
 5 K-A-R-S-A-N. Who is Demir Karsan?  
 6 MR. BREY: I think it's D-E-M-I-R.  
 7 A. He is president of Turkish American  
 8 Heritage PAC.  
 9 Q. Okay. Where are they headquartered out  
 10 of?  
 11 A. I believe at present in Houston, Texas.  
 12 Q. Okay. And is that -- was there a  
 13 deposition that you attended of his?  
 14 A. Yes. I think it was on Saturday,  
 15 August 22nd.  
 16 Q. Okay. And did the Turkish American  
 17 Legal Defense Fund pay for his out-of-pocket  
 18 expenses like his airfare?  
 19 MR. BREY: Objection. I instruct the  
 20 witness not to answer. Same grounds.  
 21 MR. GERAGOS: And, Mr. Brey, so that we  
 22 understand, are you representing Mr. Fein today?  
 23 MR. BREY: I'm here as counsel to -- I  
 24 suppose I am. I'm his counsel in terms of the

1 case. We're co-counsel.

2 MR. GERAGOS: I understand that. You  
3 represent Congresswoman Schmidt.

4 MR. BREY: I represent Congresswoman  
5 Schmidt and I represent --

6 MR. GERAGOS: Do you represent  
7 Mr. Fein? Is that also that you're representing  
8 Mr. Fein here today?

9 MR. BREY: I'm here on his behalf in  
10 connection with his representation of Jean Schmidt  
11 and her campaign committee.

12 MR. GERAGOS: Okay. Are you his lawyer  
13 today? Because when he says on advice of counsel,  
14 is there an attorney/client relationship?

15 MR. BREY: Well, there's a certainly a  
16 privileged relationship when we're so co-counsel  
17 for the same client.

18 MR. GERAGOS: I understand that. But  
19 are you today representing him as his lawyer?

20 MR. BREY: Sure.

21 MR. GERAGOS: Okay.

22 Q. Mr. Fein; is that correct?

23 A. Yes.

24 Q. Is Mr. Brey your lawyer?

1 A. Yes.

2 Q. Okay. Does the Turkish American Legal  
3 Defense Fund pay for Demir Karsan's expenses?

4 MR. BREY: Objection. I instruct the  
5 witness not to answer.

6 MR. GERAGOS: Then I think maybe we  
7 should get you -- do you want to get Mr. Richter  
8 on the phone?

9 MR. BREY: Okay. I think that will  
10 work.

11 THE REPORTER: Do you want to stay on  
12 the record?

13 MR. BREY: It's up to you. Might as  
14 well.

15 (A short recess is taken.)

16 MR. RICHTER: Ohio Elections  
17 Commission, Phil Richter.

18 MR. BREY: Hi, Phil, this is Don Brey  
19 and same cast of characters are here.

20 MR. RICHTER: Understood.

21 MR. BREY: We are calling you for a  
22 clarification about a ruling about what is or is  
23 not admissible. There are several questions that  
24 I think --

1 MR. GERAGOS: The questions that  
2 they're refusing to answer are specifically,  
3 Mr. Richter, whether or not they've paid expenses  
4 in connection with the prosecution of this claim.  
5 I think I had argued to you when we were on the  
6 phone -- I guess that was on either Thursday or  
7 Friday that that -- it's our position that is  
8 circumstantial evidence that would show that  
9 there's money being given to her or in-kind  
10 contributions that are being given to her which  
11 accord with the -- the statement or the truth or  
12 falsity of the statement that she has taken the  
13 money -- blood money to deny the genocide. And  
14 they're refusing to answer whether -- I think the  
15 specific question that I asked was whether they  
16 paid the travel expenses for one particular  
17 witness and whether they had paid other expenses  
18 for other witnesses.

19 MR. BREY: That's correct. When he  
20 speaks of "they," he's talking about the Turkish  
21 American Legal Defense Fund. And the other  
22 testimony has been that the Turkish American Legal  
23 Defense Fund does not take money from the Turkish  
24 government -- it receives funds from the Turkish

1 council --

2 MR. GERAGOS: Coalition of American.

3 MR. BREY: -- Turkish Coalition of  
4 American. And when asked whether the Turkish  
5 Coalition of American receives from the Turkish  
6 government, the testimony was that most of its  
7 money is from the founder and that to a moral  
8 certainty he testified they received no money from  
9 the Turkish government.

10 MR. GERAGOS: Which was not based on  
11 anything other than he hasn't done any  
12 investigation on that whatsoever.

13 MR. RICHTER: "He," meaning who?

14 MR. GERAGOS: "He," meaning Mr. Fein.

15 MR. BREY: Mr. Fein. Now, having said  
16 that, I may or may not have misunderstood what the  
17 scope of things was. You know I -- Phil, I know  
18 that we've talked before about the standard of how  
19 these would be conducted based upon Chris Finney  
20 and my agreement at the Dave Krikorian deposition  
21 that we're going to limit this to the issues at  
22 hand and that there's got to be something that's  
23 relevant to the allegations of the complaint.

24 I believe that Mr. Geragos has

1 misstated the Rule in Ohio. Evidentiary Rule  
2 404(b) says that evidence of other acts is not  
3 admissible, you know, to prove the character of a  
4 person or in order to show that an action is in  
5 conformity therewith, and there are a slew of Ohio  
6 cases that say that similar acts or occurrences  
7 are inadmissible to prove the commission of acts  
8 or occurrences at issue in a civil case. You  
9 know, there's -- there's an old Ohio case 14 --  
10 J.H. Beers, B-E-E-R-S, & Company versus Gurney, as  
11 well as a -- an Ohio Supreme Court case, Knight,  
12 K-N-I-G-H-T, v. State (1896), that -- you know,  
13 for example, in a negligence action against a  
14 railroad company. It was error to admit evidence  
15 that other persons had been injured by trains at  
16 the same place at prior to plaintiff's injury.

17 We're talking about what the state of  
18 receiving money from the Turkish government or  
19 from Turkish government-sponsored PACs was as of  
20 November 2, 2008. There's been no testimony by  
21 anyone in this case. Whether Bruce Fein knows the  
22 answer to the question or not, they did depose  
23 Lincoln McCurdy, and he said that they got no  
24 money from the Turkish government, you know, to

1 his knowledge. And he's, you know, the principal  
2 of the Turkish Coalition of America.

3 Having said that, the payment by the  
4 Turkish American Legal Defense Fund or the  
5 nonpayment or the service that they're offering in  
6 some fashion for her representation in this case,  
7 doesn't -- isn't relevant, is not admissible under  
8 Ohio's evidentiary rules, is not admissible, is  
9 not relevant under the Ohio case law, and under  
10 the rules of the road that we've agreed upon, if  
11 it's not relevant to an issue in this case, it  
12 shouldn't be inquired into.

13 MR. GERAGOS: Well, I'm very familiar  
14 with 404(b). It's actual a Federal Rule of  
15 Evidence. And this isn't a 404(b) issue. The  
16 404(b) is when you use some other unrelated act.  
17 This isn't an unrelated act. The \$30,000 in blood  
18 money, which is the allegation here to deny the  
19 genocide, I will establish that the \$30,000 in  
20 money came from the exact same location that the  
21 money is being -- that is coming from -- that  
22 funds the -- the very Turkish American Legal  
23 Defense Fund. Which is they all come from TCA,  
24 and TCA's money all comes from the

1 Turkish-sponsored PACs and from this gentleman who  
2 runs the Bittite Microwave.

3 And there's already been testimony by  
4 Mr. Fein today that he was the one who initiated  
5 contact with Mr. Bennett and the congresswoman,  
6 that he's the one who went and offered their legal  
7 services, that they've not charged her for the  
8 legal services -- which by the way is a Federal  
9 Election Commission violation and I will present  
10 that at the hearing.

11 And I specifically want to find if they  
12 are paying for the expenses in connection with  
13 this besides the in-kind legal contributions which  
14 they're doing, which show, once again, and it will  
15 lead into specifically her -- their drafting of  
16 this complaint and their drafting of the -- her  
17 position -- so-called position on the Armenian  
18 Genocide. And that's the precise issue that the  
19 Commission is going to have to decide is whether  
20 or not there's a truth or falsity to the  
21 allegation that she is taking money in order to  
22 deny the genocide.

23 MR. BREY: Phil, a couple things. The  
24 testimony was that Bruce Fein had none of these

1 contacts with Jean Schmidt or with Barry Bennett  
2 until after last November's election. The \$30,000  
3 was in present tense is as of November 2, 2008.  
4 There is no testimony that there's any connection  
5 between -- in terms of financial connection or  
6 going back and forth between the Turkish American  
7 Legal Defense Fund and the political action  
8 committee or one of the two political action  
9 committees that was up there. We've not objected  
10 to any -- any questions he's had about the PAC and  
11 where it gets its money, to the extent that Bruce  
12 Fein knows or anything like that. And certainly  
13 relations between the Turkish American Legal  
14 Defense Fund in terms of money going back and  
15 forth in the PAC are -- are fair game. What we're  
16 saying is questions -- and by the way, I do think  
17 that one of the statements he made, that this is  
18 relevant to show that there was an FEC violation  
19 that took place this year, we don't think there is  
20 one. This has all been through the Congressional  
21 ethics folks. But it does show the sort of ad  
22 hoc --

23 MR. GERAGOS: Wait, I do -- I do  
24 object.

1 MR. BREY: I did not interrupt you;  
2 please do not interrupt me.

3 MR. GERAGOS: I understand --

4 MR. BREY: I did not interrupt you;  
5 please don't interrupt me.

6 MR. GERAGOS: I do object. The House  
7 Ethics -- there is no evidence of that.

8 MR. BREY: I did not interrupt you;  
9 please do not interrupt me.

10 MR. GERAGOS: I'm objecting to that.

11 MR. BREY: Well, I had an objection,  
12 but I waited until you finished. And I am stating  
13 it now, if I may.

14 I'm sorry. Where was I? He  
15 effectively through me off, which is I think one  
16 of the purposes of this unfair tactic of  
17 interruption.

18 He's asking to present evidence of an  
19 FEC violation in front of the Ohio Elections  
20 Commission. The FEC, they have their own rules  
21 and regulations. If there's any basis for  
22 anything to be presented to FEC, there's a place  
23 to present that. That's not this case. And I  
24 think that that example shows the irrelevancy of

1 trying to put the lawyers on trial by saying, you  
2 know, where did you get the money, you know, how  
3 much are you paying her, how many hours have you  
4 spent on this, who -- who reimbursed this witness  
5 for his flight time. None of those are proper;  
6 none of those are relevant.

7 Please state your objection.

8 MR. GERAGOS: Mr. Richter, I don't  
9 understand -- I mean, I'm a little confused as to  
10 why we've run far afield. I've asked a very  
11 simple question. The simple question is: Have  
12 you paid expenses in connection with this? I  
13 think I argued at length the other day that that  
14 is circumstantial evidence that she would take  
15 contributions or she would take expenses in trade  
16 for her position which is what they're accusing  
17 Mr. Krikorian of both saying and what they're  
18 saying is false. And the standard is is will the  
19 evidence lead to relevant or admissible evidence.  
20 That's what the standard is. This clearly is  
21 relevant, and the Commission would determine at a  
22 hearing whether it's admissible. But the question  
23 is a very simple one: Have you paid expenses in  
24 connection with flying witnesses in this

1 prosecution?

2 MR. BREY: And, Phil, again, I'd ask  
3 you to take a look at evidence Rule 404(b),  
4 evidence of other crimes, wrongs or acts is not  
5 admissible to prove the character of the person or  
6 to show action in conformity therewith. Not to  
7 mention the fact that there's no link between the  
8 Legal Defense Fund and the Turkish government,  
9 whether the Turkish government-sponsored PAC or  
10 whether as a foreign government that's killing our  
11 troops.

12 MR. GERAGOS: Well, once again, the  
13 404(b) is for character evidence. This isn't  
14 character evidence. I don't know why he keeps  
15 citing 404(b). It's a -- it's modeled on the  
16 Federal Rule, which is also 404(b), and in fact as  
17 I look at it here, it even says it's the -- it's  
18 titled, character evidence as admissible to prove  
19 conduct. You're not --

20 MR. BREY: You're looking at A.

21 MR. GERAGOS: We're not dealing with  
22 character evidence or other crimes or wrongs.  
23 We're dealing with circumstantial evidence to  
24 prove a proposition that she takes money in

1 support of her position. And that's the -- the  
2 simple question and the simple answer that we're  
3 looking at. We've spent more time arguing over  
4 this than the four minutes that it would take for  
5 me to cover this ground.

6 MR. BREY: Phil, a couple things, first  
7 of all, he read the wrong sub -- he read 404(a)'s  
8 heading; he did not read 404(b)'s heading, which  
9 is other crimes, wrongs or acts and does not have  
10 the name "character" in it.

11 Secondly, I think 404(b) is clear  
12 enough on its face, but even if it weren't, there  
13 is a body of Ohio law that applies it to other  
14 acts that are not admissible to show that the same  
15 kind of act happened which had nothing to do with  
16 character. Evidence of a prior accident -- let's  
17 see -- let's see.

18 MR. GERAGOS: While you're looking for  
19 that, 404(a) and (b) are the character evidence  
20 statute. They're modeled on the -- the rule of  
21 the same evidence in the Federal Rules of  
22 Evidence. Other crimes or wrongs are other  
23 character types of evidence. Those are called bad  
24 character. And that is -- has nothing to do with

1 this. We're not talking about bad character, good  
2 character or anything else. I'm talking about  
3 circumstantial evidence that shows that she takes  
4 money from these organizations.

5 MR. BREY: There are a number of cases  
6 dealing with accidents that are not part of  
7 character testimony that talk about -- but  
8 actually this is part of character because there's  
9 -- they're trying to say that her character is  
10 such that she would take money from -- from some  
11 entity that has Turkish in its name, and so this  
12 is actually on all fours on character. But it  
13 doesn't even need to be because there are a slew  
14 of other cases in Ohio, at least, which talk about  
15 it in connection with, you know, prior accidents  
16 showing that it was or they were or were not  
17 negligent because they, you know, were negligent  
18 on another case or weren't negligent on another  
19 case or accidents took place here or didn't take  
20 place here.

21 MR. RICHTER: For argument's sake,  
22 let's -- let's say -- for argument's sake, let's  
23 say that she has taken some money in order to  
24 pursue this at this point. How does that relate

1 to what occurred, you know, what, is it ten months  
2 ago?

3 MR. GERAGOS: We would show -- we would  
4 argue that it's the same modus operandi of her,  
5 that it shows that she's taking -- that she took  
6 the money before -- I mean, which is  
7 demonstratively true, she took \$30,000 before --  
8 that she is taking money currently. She's taking  
9 the money from the very organizations that we  
10 allege are the ones that are providing the -- what  
11 we call or what David calls the blood money to  
12 deny the genocide, and that since the election,  
13 the very organizations that have -- since  
14 November 2nd, the very organizations that were  
15 giving her the money have been issuing press  
16 releases talking about her oppositions to such  
17 resolutions and denying the genocide. And I  
18 specifically have exhibits which I will introduce  
19 from the Turkish American Legal Defense Fund and  
20 the TC -- TCA, which is the Turkish Coalition of  
21 America, showing that they're putting these  
22 statements out and claiming that she denies the  
23 genocide. Even in their statements, they even  
24 quote directly from the complaint in this case.

1 MR. BREY: Phil, he keeps talking about  
2 "they." The one connection he does have between  
3 the PAC and Turkish Coalition of American is that  
4 the head of the Turkish Coalition of America is  
5 also the treasurer of the PAC and therefore lists  
6 the address where he works as the address of the  
7 PAC, which is commonly done whenever you have a  
8 treasurer. But there's -- the testimony has been  
9 uniform that there's been no financial money going  
10 either from the Turkish Coalition of American to  
11 the PAC or from the PAC to the Turkish Coalition.  
12 I mean, Lincoln McCurdy testified, and, you know,  
13 the FEC records show -- that show that as well.  
14 So to say that these are all the same entity is  
15 contrary to any evidence that there's been. I  
16 mean, he can ask Bruce Fein about that if he wants  
17 to, but he's trying to ask about, you know, what  
18 money he's paid or that the Turkish American legal  
19 Defense Fund, which receives money from Turkish  
20 Coalition of America but neither receives nor  
21 gives money to the PAC, what connection that has  
22 that has with the -- with the issues at hand I  
23 believe are nonexistent.

24 MR. GERAGOS: We just had testimony.

1 The Turkish Legal Defense Fund is funded by the  
2 Turkish Coalition of America --

3 MR. BREY: I said that.

4 MR. GERAGOS: -- which is operated out  
5 of the same 1,000 square foot office as the -- all  
6 of these other pseudo-cultural organizations.

7 MR. RICHTER: I'm inclined to believe  
8 that that's -- that they at least ought to be able  
9 to given the opportunity to make that  
10 establishment. It's certainly sounds like --

11 MR. BREY: Phil, I have no objection to  
12 them trying to make that establishment. What I  
13 object to is them asking how much money or how  
14 much time as her attorneys, you know, we've spent  
15 or that the Turkish American Legal Defense Fund  
16 has spent in pursuing this case. That is  
17 privileged information.

18 MR. GERAGOS: It isn't privileged  
19 information. I don't think the --

20 MR. BREY: It's --

21 MR. GERAGOS: Whether the Turkish Legal  
22 Defense Fund --

23 MR. BREY: I did not interrupt you;  
24 please do not interrupt me.

1 MR. GERAGOS: I thought you were  
2 finished.

3 MR. BREY: Well, I wasn't. That is  
4 privileged information. It's irrelevant  
5 information. If they want to establish connection  
6 with other folks, you know, I've not objected to  
7 those kinds of questions. But without any  
8 connection or any good faith basis for thinking  
9 that there is a connection even, you know, they  
10 can't -- they can't pierce the attorney/client  
11 privilege and say how have you been preparing the  
12 this case, how much time have you been spending,  
13 who's spending the money on this, that and the  
14 other thing. That is not admissible, it is  
15 privileged, and it goes to the heart of the  
16 attorney/client relationship, and it is also a  
17 violation of 404(b).

18 MR. GERAGOS: Okay. The -- once again  
19 -- are you finished?

20 MR. BREY: I am, thank you.

21 MR. GERAGOS: Okay. Once again, the  
22 fact of whether they're paying witness expenses --  
23 and it's somewhat ironic that they're trying to  
24 hide between -- behind an attorney/client

1 relationship. If Mr. Fein's organization, the  
2 Turkish American Legal Defense Fund, is paying for  
3 expenses, there certainly is no attorney/client  
4 privilege to that. And, frankly, if that -- if  
5 that turns out to be the case, it's somewhat  
6 ironic that in a Ohio elections case where you're  
7 supposed to -- and I have read the Ohio of  
8 elections, you know, mission statements and the  
9 reason that it was formed, and it's for  
10 transparency and truth, and now they're trying to  
11 hide the fact that the some shadowy organization  
12 has approached one of the federal-elected  
13 officials, is not only donating the time, but now  
14 is apparently paying expenses, and they're trying  
15 to hide that between -- behind an attorney/client  
16 privilege. There's no attorney/client privilege  
17 to -- behind whether you pay expenses for a  
18 client. Attorney/client privilege is grounded in  
19 a communication between the client and the lawyer.  
20 It does not cover acts of the lawyer to pay for  
21 expenses of the client. There is no communication  
22 involved in that. There's no work product  
23 involved in that. It's -- it's a refuge of a  
24 scoundrel to assert that it's an attorney/client.

1 What that is is somebody paying expenses, and if  
2 the expenses -- and so far we are -- we have  
3 established through this witness that the Turkish  
4 American Legal Defense Fund was funded and founded  
5 by the Turkish Coalition of America, and we're  
6 going to present evidence that the Turkish  
7 Coalition of America was also funded by both the  
8 Turkish government and these PACs, and that is a  
9 complete defense to what Mr. Krikorian stated in  
10 the complaint.

11 MR. BREY: Phil, we have asked and  
12 subpoenaed all documentary evidence that  
13 Mr. Krikorian has to support the allegations. No  
14 documentary evidence has been produced by him, not  
15 one shred of it, suggesting or even implying that  
16 the Turkish Coalition of America is funded by the  
17 Turkish government. The promise that Mr. Geragos  
18 has just made to you -- he gets upset with my high  
19 horse, but since he's accused me of being a  
20 scoundrel, I feel I have no choice but to act like  
21 one -- is a -- is I believe a promise he will not  
22 be able to keep.

23 But whether he's able to keep that or  
24 not is irrelevant to the issue of whether or not

1 the lawyers that are representing Jean Schmidt  
2 have a duty in discovery to tell how many hours  
3 we've been spending in preparing, you know, what  
4 the money went to, you know, if any, who -- who  
5 paid for -- for this, that and the other thing in  
6 connection with it. The fact that the Turkish  
7 American Legal Defense Fund -- and frankly the  
8 fact that I am representing them, but the fact  
9 that they are representing him and presumably, you  
10 know, not charging her is -- is a matter that's  
11 already been testified to and didn't need to be  
12 testified to because it's already a matter of  
13 public record. He's asking for details about did  
14 you pay for this, did you pay for that, how many  
15 hours did you spend, and that is clearly  
16 privileged, it is clearly irrelevant, and it all  
17 clearly happened long after November 2, 2008.  
18 There is no document showing any action by the  
19 Turkish American Legal Defense Fund on behalf of  
20 Jean Schmidt prior to the November 2008 election.

21 MR. GERAGOS: Are you finished?

22 MR. BREY: I am, thank you.

23 MR. GERAGOS: The -- Mr. Richter, the  
24 question that I asked and the question that

1 they've instructed him not to answer is: Did the  
2 Turkish American Legal Defense Fund pay for a  
3 witness who traveled to his deposition. This is  
4 the same witness who already testified that his  
5 declaration and his affidavit were prepared by the  
6 Turkish American Legal Defense Fund and that they  
7 were drafted by the Turkish American Legal Defense  
8 Fund, precisely goes to the core of the issue, the  
9 -- which is the defense of Mr. Krikorian. Once  
10 again, if counsel wants to just keep saying that  
11 it's attorney/client privilege, I understand that  
12 that is what, you know, his assertion is. But  
13 there is nothing privileged about whether somebody  
14 is paying expenses. The Turkish American Legal  
15 Defense Fund's payment of expenses for fact  
16 witnesses in a proceeding is precisely what  
17 Mr. Krikorian has argued and has stated publically  
18 is going on here, that the Congresswoman is taking  
19 money, blood money, to deny the Genocide. And  
20 that's how we prove it. And once again, like I  
21 said, this would have been a two-minute or  
22 three-minute question and answer, and instead  
23 we've effectively spent 32 minutes on dealing with  
24 this.

1 MR. BREY: Well, it would also go more  
2 quickly if you withdrew the question, but  
3 obviously we have a disagreement about whether  
4 it's appropriate to do that.  
5 You know, he's made a number of charges  
6 here, but one of the -- the issues I would talk  
7 about is there is privilege in respect to  
8 communication was clients. There is also a  
9 privilege in terms of how the lawyer does work on  
10 behalf of the clients. There is no privilege per  
11 se between Mr. Fein and communications --  
12 attorney/client privilege, there's no  
13 attorney/client privilege per se between Bruce  
14 Fein and any communications he had with Karsan  
15 Demir and Mark. Having said that, Phil, consider  
16 what you're doing. You're allowing him to put one  
17 of the lawyers on the stand and ask him to testify  
18 about his work product, client preparation  
19 communications he had with a witness. And in  
20 unless that's relevant to the case and pretty  
21 directly relevant to the case, you are  
22 disregarding -- which is also a principle in  
23 Ohio -- the rights of lawyers and clients to  
24 prepare their cases without being subject to

1 interrogation by opposing counsel.

2 MR. RICHTER: Well, I would tend to  
3 agree with you there, but everything I've heard so  
4 far doesn't appear to get to the nature of the  
5 product or what was occurring between the attorney  
6 and the client, but a matter of a question of were  
7 expenses paid for a witness or not.

8 I guess my inclination is to say that  
9 how much, et cetera, I'm not sure how relevant  
10 that would be, but the question of whether certain  
11 amounts were paid or not is -- is more of a fact  
12 question that tends to -- in my mind at least,  
13 tends to go somewhat to the issue that's -- that  
14 we're talking about here. And I wouldn't allow  
15 questions that get to, you know, what did you ask  
16 him, what did you do, how did you prepare, but,  
17 you know, did you do this for him there and does  
18 that relate to other expenses --

19 MR. BREY: Phil, how do these expenses  
20 have any relation to the allegations that in  
21 November of 2008 she received \$30,000 in blood  
22 money from the government of Turkey or from  
23 Turkish government-sponsored PACs and the Turkish  
24 people?

1 MR. GERAGOS: I'll show you when I do  
2 the exhibits. I mean, Mr. Richter, if you'd --

3 MR. RICHTER: Excuse me. But to me if  
4 the answer is yes and that's the first time we've  
5 ever done that, then that ends the -- that ends  
6 the line of questioning right there --

7 MR. BREY: Well, how about --

8 MR. RICHTER: -- and it doesn't relate.

9 MR. BREY: Well, how about if he asks  
10 if they've ever done it for her on or before  
11 November 2008 and limit it that way, rather than  
12 going into a wild goose chase about something that  
13 didn't even come into existence until after the  
14 literature we're arguing about is published.

15 MR. FINNEY: Phil, this is Chris  
16 Finney. It just seems to me that we've made an  
17 extremely plausible case as to why it's relevant,  
18 why it will lead to the discovery of relevant  
19 evidence, the chain of what they're paying, but  
20 the fact that they're fighting so hard to make  
21 sure that we don't find this out says to me that  
22 it's pretty important that we do.

23 MR. BREY: Well, Phil --

24 MR. RICHTER: Well, that -- that may or

1 may not be so. I understand that.

2 MR. BREY: Phil, the information is not  
3 a secret. We told them off the record I think  
4 Karsan Demir's that we were paying for it. I  
5 think it's utterly irrelevant to this case, and I  
6 don't want them then to get the camel's nose in  
7 the tent because I think that's a relative  
8 possibility here or a likelihood.

9 MR. GERAGOS: Mr. Richter --

10 MR. BREY: We're not going to waive the  
11 privilege, and if we answer those kinds of  
12 questions, then he can say, well, you answered  
13 that one, therefore you have to answer the others.

14 MR. GERAGOS: I guess the parade of  
15 horribles argument as raised with that, I'm asking  
16 the question, I will limit it to paying for the  
17 witness expenses, I'm not going to ask him what he  
18 discussed unless it deals with the denial of the  
19 Genocide and such matters, and I assume that Your  
20 Honor has ruled and we can proceed so we can get  
21 this done?

22 MR. BREY: Phil, just one more  
23 clarification. He also was asking how many hours  
24 we spent on the case with Jenn Schmidt. I assume

1 that's off base.

2 MR. RICHTER: I don't -- yeah, I mean  
3 with all due respect, I don't see that as being an  
4 issue. As to whether the question as to how much  
5 expenses -- or not how much, but whether expenses  
6 were paid or not can certainly lead -- or could  
7 relate to the question of, you know, where the  
8 money came from that was a part of Mr. Krikorian's  
9 statement.

10 MR. BREY: Okay.

11 MR. RICHTER: But how much time, et  
12 cetera, to me is irrelevant to what the Commission  
13 wants to find out about those statements.

14 MR. BREY: And Phil, that's fine. We  
15 can proceed there. But just for clarification, is  
16 part of your rationale based upon the -- the  
17 representation to you that there will be solid  
18 evidence that the Turkish Coalition of America is  
19 receiving money from the government of Turkey?

20 MR. GERAGOS: Could I --

21 MR. RICHTER: I think essentially the  
22 answer to that is yes because whatever is  
23 determined out of this -- as I see it, anything  
24 that is determined out of it here has to relate

1 back to the ten months or so that establishes that  
2 there was something that led to Mr. Krikorian  
3 making the statements that he made. Just the fact  
4 that all of this stuff has occurred now may be of  
5 great interest to somebody along the line here,  
6 but it's not necessarily, at least to me, of  
7 interest to the Commission in terms of what led to  
8 Mr. Krikorian's statement.

9 MR. BREY: Okay. I think we have our  
10 marching orders. We'll answer the question as to  
11 whether or not expenses were paid. We won't  
12 answer questions about how many hours he spent for  
13 Jean Schmidt or the details of the -- of what was  
14 paid.

15 MR. RICHTER: Well, for the  
16 Commission's purposes, that's correct.

17 MR. BREY: Thank you.

18 MR. GERAGOS: Thank you, Mr. Richter.

19 MR. RICHTER: Uh-huh.

20 MR. BREY: That's all on the record,  
21 right?

22 THE REPORTER: Correct.

23 MR. BREY: Thank you.

24 BY MR. GERAGOS:

1 Q. Mr. Fein, did you pay the expenses or  
2 did the Turkish Legal Defense Fund pay the  
3 expenses for the witness Demir Karsan?

4 A. Although I didn't write out any check,  
5 that's my understanding.

6 Q. And --

7 A. His travel expenses.

8 Q. And who's that your understanding from?

9 A. That that's how the bookkeeping works.  
10 I don't write out the checks; the secretary does.

11 Q. Okay.

12 A. Sena Musula.

13 Q. And are you the one who authorized the  
14 payment of those expenses?

15 A. Yes.

16 Q. And have you authorized other expenses  
17 in connection with the prosecution of this  
18 proceeding?

19 MR. BREY: Objection. I --

20 A. Transcripts.

21 MR. BREY: I -- objection --

22 Q. Transcripts?

23 A. The depositions. The depositions --

24 MR. BREY: Objection. Objection.

1 You've got to let me answer.

2 THE WITNESS: I apologize. Sorry.

3 MR. BREY: To the extent you're talking  
4 about expenses incurred in connection with the  
5 representation of Jean Schmidt, I think that's off  
6 limits and we instruct him not to answer those.

7 MR. GERAGOS: Well, the -- the expenses  
8 for -- we just had a ruling that the expenses were  
9 not off limits. You're now saying that somehow in  
10 the 45 seconds since we hung up that that ruling  
11 somehow changed?

12 MR. BREY: We can call back. My  
13 understanding was he said --

14 MR. GERAGOS: We can call back -- he  
15 said expenses.

16 MR. BREY: He said --

17 MR. GERAGOS: I realize you want to  
18 obstruct this deposition. But we just had a  
19 discussion --

20 MR. BREY: I did not interrupt you;  
21 please do not interrupt me.

22 MR. GERAGOS: I'm not finished.

23 Q. You've said that you, Mr. Fein -- I'll  
24 rephrase it.

1 MR. BREY: No.

2 Q. That you've previously testified --

3 MR. BREY: No. No.

4 Q. -- that you paid for transcripts and  
5 depositions.

6 MR. BREY: Do not answer that. He  
7 asked me a question, and he interrupted me.

8 MR. GERAGOS: And I -- and I'm  
9 withdrawing any question that I asked before.

10 MR. BREY: Since you started something,  
11 don't answer anything until he stops on the  
12 record. Can I speak now?

13 Q. So what other expenses have you paid --

14 MR. BREY: Don't answer anything unless  
15 he stops interrupting me.

16 Q. The -- what other expense --

17 MR. BREY: Do not answer a question  
18 until he stops interrupting me.

19 Q. What other expenses have you --

20 MR. BREY: Do not answer any question  
21 unless he stops interrupting me.

22 We can do this all day.

23 MR. GERAGOS: You're right. We can.

24 Q. What other --

1 MR. BREY: Don't answer any question  
2 until he stops interrupting me.

3 MR. GERAGOS: You're interrupting me  
4 with this --

5 MR. BREY: I'm interrupting you --

6 MR. GERAGOS: -- juvenile behavior of  
7 yours.

8 MR. BREY: I'm interrupting --

9 MR. GERAGOS: Why don't you just try to  
10 calm down and try to act like a gentleman. I'll  
11 ask him questions. If you have an objection, you  
12 can object, okay. We don't need to just keep  
13 calling Mr. Richter. Let's just get through this,  
14 okay? I'm not trying to interrupt you.

15 MR. BREY: Actually, you are. You are  
16 trying to interrupt me. You do it on a regular  
17 basis. You cut me off --

18 MR. GERAGOS: Okay.

19 MR. BREY: -- on a regular basis.

20 MR. GERAGOS: I will make an effort --

21 MR. BREY: You just did it. You just  
22 did.

23 MR. GERAGOS: I don't want to spend a  
24 lot of time doing this.

1 MR. BREY: You just -- you just --

2 MR. GERAGOS: Let's question the  
3 witness.

4 MR. BREY: I want to make a response to  
5 your assertion that I was acting improperly.

6 MR. GERAGOS: You're not acting  
7 improperly, okay. If that helps you, you're  
8 acting wonderfully. You're a great advocate. I'm  
9 very impressed with your legal abilities. Can we  
10 move on so I can question the witness?

11 MR. BREY: Thank you for your sarcasm.

12 MR. GERAGOS: I'm not sarcastic at all.  
13 I'll nominate you for Super Lawyer. Can we please  
14 continue with the witness? I'll ask questions.  
15 If you've not an objection, that's fine.

16 MR. BREY: When you ask a question and  
17 make assertions about me and my conduct, and then  
18 say I can't respond to that --

19 MR. GERAGOS: I'm not --

20 MR. BREY: -- you're behaving  
21 improperly.

22 MR. GERAGOS: I'm not going to make any  
23 assertions about you.

24 MR. BREY: You interrupted me once a

1 again. I will show you the courtesy of letting  
2 you finish what you say, but I do expect the same  
3 courtesy. And you show a remarkable inability to  
4 do that. I mean, obviously you're very skilled  
5 with making ad hominem attacks upon me and others  
6 and falsely accusing me of whatever temperament  
7 flaws you believe I have. Well, that's fine, but  
8 you still have to let me respond. And the  
9 response I have is that my understanding of the  
10 statement he made is that you're allowed to ask  
11 whether or not the paid expenses of Demir Karsan,  
12 not that they paid other expenses for or on behalf  
13 of Jean Schmidt. And by the -- the deposition or  
14 whatever of Jean Schmidt would be an expense -- or  
15 of Demir Karsan would not be an expense that would  
16 be paid Demir Karsan. And if you think I'm wrong  
17 about an interpretation or misread read it, tell  
18 me and we can sort that out.

19 Q. Mr. Fein, have you paid any other  
20 expenses in connection with the prosecution of  
21 this claim?

22 MR. BREY: Objection. I instruct the  
23 witness not to answer to the extent that he's  
24 talking about expenses for Jean Schmidt. If you

1 are talking about expenses for other witnesses,  
2 you can answer the question.

3 Q. Mr. Fein, do you understand the  
4 question?

5 A. Yes, I understand the question.

6 Q. Can you answer it?

7 MR. BREY: I've instructed the witness  
8 not to answer it.

9 MR. GERAGOS: You just told him -- do  
10 you want me to have it read back? You just told  
11 him to answer if it was expenses in connection  
12 with the other witness.

13 MR. BREY: I'm sorry, I'm sorry.

14 MR. GERAGOS: Do you understand -- do  
15 you remember that?

16 A. With regard to?

17 Q. Have you paid for any other witness  
18 expenses?

19 A. No. No.

20 Q. Okay. And the expenses that you paid  
21 for -- for Mr. Karsan, where did that money come  
22 from?

23 The record should reflect you are now  
24 looking at your lawyer. Are you --

1 A. I'm waiting to see whether he's going  
 2 to object.  
 3 Q. Well, he hasn't objected.  
 4 A. My understanding came from the Turkish  
 5 Coalition of America.  
 6 Q. Okay. So the Turkish Coalition of  
 7 America -- when you say your understanding, does  
 8 the Turkish American Legal Defense Fund, do they  
 9 have a budget of some kind or a -- a checking  
 10 account?  
 11 A. No.  
 12 Q. Okay. So that's an organization that  
 13 is an arm of the Turkish Coalition of America?  
 14 A. You might call it -- yeah, it works  
 15 under the umbrella of TCA, yes, sir.  
 16 Q. Okay. So in actuality when I'm asking  
 17 you who paid Demir Karsan's expenses for the  
 18 travel, that would have been -- when I was  
 19 referring to Turkish Coal -- or Turkish Legal  
 20 Defense Fund, in actuality it's Turkish Coalition  
 21 of American because they're the ones who are  
 22 actually writing the check; is that correct?  
 23 A. Yes. Yes.  
 24 Q. Now, the Turkish Coalition of America

1 would have been writing the checks also for the  
 2 transcripts and other things that you testified?  
 3 MR. BREY: Objection. I instruct the  
 4 witness not to answer.  
 5 Q. Well, you did testify previously that  
 6 you paid for the transcripts; is that correct?  
 7 MR. BREY: I don't recall whether he  
 8 did or not. But I would object to that testimony  
 9 in light our previous --  
 10 MR. GERAGOS: Right. He did -- he did  
 11 testify that it was transcripts/depositions is  
 12 what he said. Isn't that correct, Mr. Fein?  
 13 A. Yes.  
 14 Q. And was that also Turkish Coalition of  
 15 America?  
 16 A. Yes.  
 17 Q. Now, Turkish Coalition of America gets  
 18 its funding or -- by the way, I'm going to show  
 19 you something that I'll mark as Defense B. I'll  
 20 give a copy to counsel.  
 21 MR. BREY: Is this the first exhibit  
 22 we've seen?  
 23 - - - - -  
 24 Thereupon, Defendant's Exhibit B is marked

1 for purposes of identification.  
2  
3 Q. Do you recognize this, Mr. Fein?  
4 A. I've seen this document at a previous  
5 deposition I believe.  
6 Q. Okay. Do you know who wrote this?  
7 A. My recollection is I may have written  
8 this first draft, and then oftentimes I circulate  
9 it and get comments back.  
10 Q. Okay. Well, who would you have  
11 circulated it to?  
12 A. Persons at TCA.  
13 Q. Who are the persons at --  
14 A. Would be --  
15 Q. You said TCA?  
16 A. Yeah, Turkish Coalition of America,  
17 that's what that abbreviation --  
18 Q. And who would that be?  
19 MR. BREY: Excuse me. Was he talking  
20 over the last part of his answer or not?  
21 (The record is read as requested.)  
22 A. David Saltzman, I typically would ask  
23 for his commentary, Lincoln McCurdy would get a  
24 copy of this, Guler Koknar. I think those are the

1 ones that.  
2 Q. Okay.  
3 A. Occasionally, there's a --  
4 Q. I'm sorry, what are --  
5 A. I think those are the ones who --  
6 Q. And -- but you wrote the -- you wrote  
7 this; isn't that correct?  
8 A. I don't have -- I have a recollection  
9 that I wrote something like this. It wasn't in  
10 this format. Sometimes things get changed in  
11 wording when it's put in a more abbreviated form  
12 for a posting like this. I did not post this. I  
13 have nothing to do with things that go up on the  
14 website. So whether or not that's viewed as a  
15 collective authorship because others participated,  
16 especially in the length, I certainly was a  
17 participant if you want to call this my -- my best  
18 belief is that this would be a collective  
19 authorship and I was a participant in this. Maybe  
20 I wrote more substantially than others.  
21 Q. Well, specifically, "Congresswoman  
22 Schmidt has on numerous occasions voiced her  
23 opposition to such resolution and maintains that  
24 the historical question is not appropriate for

1 Congress to legislate." Did you write that  
2 sentence?

3 A. Well, I don't have specific  
4 recollection of using those words. I write  
5 millions of words probably annually, and the  
6 general idea there certainly is something that is  
7 consistent with my -- my understanding at the  
8 time.

9 Q. Okay.

10 A. So -- but with regard to do I  
11 specifically recollect I used those specific words  
12 and nobody else edited them, I couldn't say for  
13 certain.

14 Q. How about: "The Congresswoman, based  
15 on her independent research, does not believe the  
16 tragic events of World War I, in which both  
17 Armenians and Turks were killed in harrowing  
18 numbers, constitute genocide - an accusation that  
19 has never been proven in a court of law."

20 Those are your words, aren't they?

21 A. Whether they're my precise words, I  
22 don't -- I don't know for certain whether those  
23 are my exact words. With regard to my own  
24 understanding as a lawyer about whether or not

1 Jean Schmidt, sitting as a juror based upon the  
2 state of the record and the evidence, that she  
3 would find beyond a reasonable doubt that as  
4 established in the genocide convention of 1948 and  
5 the statutes proof beyond a reasonable doubt had  
6 demonstrated that crime, I think that's an  
7 accurate statement.

8 Q. Did you write it?

9 A. I don't recall whether I used those  
10 particular words or whether the general idea was  
11 there and other people suggested a different  
12 wording.

13 Q. Okay. How about: "Her conclusions  
14 accord with renowned Middle East scholar Bernard  
15 Lewis of Princeton University and other respected  
16 historians."

17 You wrote that sentence didn't you?

18 A. Whether -- again, Mr. Geragos, whether  
19 those are my precise words or whether they had  
20 been edited -- when you put things on websites,  
21 oftentimes wording gets changed for space purposes  
22 or otherwise. I don't know whether those are my  
23 exact words. I certainly believe, having read  
24 Bernard Lewis, that he disputes the

1 characterization of the events of World War I as a  
2 genocide.

3 Q. You've written that in other  
4 publications; isn't that true?

5 A. I think the -- the gist of that  
6 assertion I have written independently expressing  
7 my own viewpoint.

8 Q. Right. And you've also -- the gist of  
9 "...based on her independent research does not  
10 believe the tragic events of World War I, in which  
11 both Armenians and Turks were killed in harrowing  
12 numbers, constitute genocide..." You've written  
13 that in at least four other publications; isn't  
14 that correct?

15 A. That statement is an accurate  
16 expression of my published statements on numerous  
17 occasions, yes, sir.

18 Q. Okay. In fact, going down to the next  
19 paragraph, the term "verbal thuggery," you even  
20 used that term today, isn't that correct, in your  
21 sworn deposition?

22 A. That is correct.

23 Q. In fact, virtually every sentence in  
24 here that starts with -- in the last three

1 paragraphs, you've written in other areas or in  
2 other publications; isn't that correct?

3 A. I'm not certain that all those three  
4 paragraphs, the exact words. I think it's fair to  
5 say, and I will state for the record now, that the  
6 general ideas voiced in those last three  
7 paragraphs are my opinions, my conclusions, and I  
8 have articulated those both before, I believe, and  
9 after the 2007-'8 elections.

10 Q. Right. And you have used the term  
11 "emblematic of the religiously and ethnically  
12 bigoted campaign tactics that Armenian Americans  
13 regularly employ..." That's something you've  
14 written in other publications; isn't that correct?

15 A. Yes, sir, and I believe it.

16 Q. I understand that.

17 But doesn't this look to you to be  
18 something that in almost whole or all was written  
19 by you, all of this?

20 A. It depends upon how you decide whether  
21 editing makes you the sole author or not. As I  
22 say, oftentimes in putting together something  
23 that's posted on a website, there's a substantial  
24 contraction of the entire document and oftentimes

1 editing occurs.

2 Q. Right. I'm not asking you that.

3 A. So I'm not trying to quibble here. The  
4 general ideas I think were largely, if not  
5 exclusively, mine. The particular phraseology and  
6 the compactness sometimes changes in the editing  
7 process.

8 Q. Right. But in almost all or large part  
9 this is your work, is it not?

10 A. I think that's probably accurate.

11 Q. And is -- your memory is that you were  
12 the first drafter of this as well; isn't that  
13 correct?

14 A. Yes.

15 Q. Okay. And if there had been something  
16 that was inaccurate on here and it was showed to  
17 you, you would have objected to that; isn't that  
18 correct?

19 A. I'm not sure what --

20 Q. Well, you're called the resident  
21 scholar to one of these organizations.

22 A. I mean, if -- if something was here and  
23 I -- sometimes in the editing process, it would  
24 get posted and it's a summary of something that I

1 had started out with but it was longer, I wouldn't  
2 necessarily have looked at the final editing that  
3 changed words or sentence length. But at least at  
4 present when I look at this document, is there  
5 something that I think is wrong in the document, I  
6 don't -- at present look at the document and say,  
7 oh, this is an error.

8 Q. Okay. And specifically the statement  
9 that on -- "Congresswoman Schmidt on numerous  
10 occasions voiced her opposition to such  
11 resolutions..." What did you base that on?

12 A. Well, that wasn't on any independent  
13 talking to Jean Schmidt. This is the impression I  
14 got from speaking with Lincoln McCurdy at TCA.  
15 Prior to my representation of Jean Schmidt in this  
16 case, which was after November 2nd, I had no  
17 knowledge whatsoever -- individual knowledge of  
18 Jean Schmidt's position on any issue. In fact, I  
19 didn't know who Jean Schmidt was.

20 Q. Okay. When the -- and you say you  
21 don't know who she was until after November 2nd?

22 A. Yes.

23 Q. Okay. But when you talked to Lincoln  
24 McCurdy, did Lincoln McCurdy tell you he knew who

1 Jean Schmidt was?  
2 A. Yes.  
3 Q. And prior to November?  
4 A. No. I -- the Jean Schmidt name and  
5 Lincoln McCurdy I don't recall coming up until  
6 after November.  
7 Q. You knew who Lincoln McCurdy was prior  
8 to November?  
9 A. Correct.  
10 Q. And did you ever discuss with Lincoln  
11 McCurdy whether he had -- knew of Jean Schmidt  
12 prior to November?  
13 A. No.  
14 Q. Did you ever discuss -- by the way, the  
15 Turkish Coalition of America, you said that its  
16 primarily funding comes from a businessman; is  
17 that right?  
18 A. Well, I don't know where -- I don't  
19 know where the primary funding comes from, so --  
20 Q. Okay. And the --  
21 A. You need to talk to someone who knows  
22 about that. I've not actually made any inquiry.  
23 Q. So you haven't -- as you sit here, you  
24 don't know where the funding comes from because

1 you've made no independent inquiry?  
2 A. Correct.  
3 Q. Okay. You did testify before that  
4 there was a wealthy businessman who founded it; is  
5 that correct?  
6 A. Yes. And that's -- that is -- that's  
7 my understanding. But to suggest that I ran an  
8 actual investigation -- had a private investigator  
9 try to trace the funds would be incorrect. But  
10 that's my understanding.  
11 Q. And that would be a gentleman who runs  
12 a Hittite Microwave?  
13 A. I don't know whether that's the company  
14 name.  
15 Q. Have you ever met his gentleman?  
16 A. Yes, I have.  
17 Q. And what's his name?  
18 A. I think it's Yalcin Ayasli.  
19 Q. Okay. How many occasions have you met  
20 him?  
21 A. Half a dozen to a dozen.  
22 Q. Prior to November of 2008?  
23 A. Yes.  
24 Q. Okay. And you aware where he does

1 business or with who he does business?

2 A. No.

3 Q. Did you ever make any inquiries as to  
4 that?

5 A. None whatsoever.

6 Q. Okay. And as you sit here, do you know  
7 if any of the PAC -- if any PAC money -- do you  
8 know what PAC money is?

9 A. Yes, I do.

10 Q. Do you know if any PAC money has made  
11 its way into the Turkish Coalition of America?

12 A. I've not investigated any of the  
13 finances, so I'm tabula rasa, sir.

14 Q. Okay. And do you know of any Turkish  
15 American PACs that operate out of that same  
16 address as the Turkish Coalition of America?

17 A. I have an understanding that the  
18 Turkish Coalition of America USA PAC has that  
19 address.

20 Q. Okay. And is that a political action  
21 committee?

22 A. Yes, it is.

23 Q. At the same address?

24 A. Yes, it is.

1 Q. Okay. And do you know whether any of  
2 the money from the -- from that PAC, Turkish  
3 Coalition of America PAC, was used to pay expenses  
4 in this case?

5 A. I --

6 MR. BREY: Objection, unless you're  
7 talking about expenses of -- of witnesses.

8 Q. Do you know -- do you know if the PAC  
9 paid the expenses in this case for the witnesses  
10 or depositions or anything that you've testified  
11 to?

12 MR. BREY: I'm going --

13 A. Whether the PAC -- no, the TCA paid the  
14 expenses of the witnesses that I've identified.

15 Q. But you don't know -- and when you say  
16 the PAC, no, how do you know that?

17 A. This, again, goes back to Mr. Krikorian  
18 [sic] at levels of certainty. I don't know that  
19 the Armenian government isn't paying you to be  
20 here, sir. I've not run an investigation. It may  
21 well be they've paid you \$5 million to come here  
22 and browbeat me, but I don't know that for  
23 certain. And that's why when you make these  
24 questions without having levels of certainty, it

1 leads you that you can't say anything as absolute  
2 certainty. And so if the answer is I have the  
3 same level of certainty that you have that you're  
4 not getting paid by the government of Armenia to  
5 be here, that's my answer. Now -- so whatever  
6 that level is I've got.

7 MR. GERAGOS: That would be a motion to  
8 strike as nonresponsive.

9 Q. Do you -- did you see a check that was  
10 written to a witness or to a carrier or to a --  
11 for any expense? Did you actually see an expense  
12 check?

13 A. No. And on that score, if that's the  
14 level, I can't say that we in fact paid the  
15 expenses of Mr. Karsan because I didn't actually  
16 see the check written.

17 Q. Okay. Did you authorize it? You --  
18 didn't you testify you authorized the check?

19 A. For TCA to pay the check, but I don't  
20 know whether it was actually written by TCA or  
21 whether it was paid at all.

22 Q. Okay. Do you know if it was written by  
23 TCA or by the PAC as you sit here?

24 A. I don't know whether a check was

1 written at all, sir.

2 Q. Okay. But you authorized it?

3 A. But I don't know whether a check was  
4 written at all, sir.

5 Q. I didn't ask that. I asked if you  
6 authorized it.

7 A. Yes.

8 MR. BREY: Asked and answered.

9 A. Yes, authorized by TCA.

10 Q. Okay. Who else can authorize expenses  
11 at TCA?

12 A. The only other person at TCA is David  
13 Saltzman.

14 Q. Okay. So it's either you --

15 A. Excuse me, excuse me. I -- I  
16 apologize. I misheard the question. I thought  
17 you said TALDF. I don't know. I was making the  
18 authorizations by the Turkish American Legal  
19 Defense Fund. I don't know the persons acting in  
20 a different capacity who can authorize TCA to pay  
21 money.

22 Q. And the Turkish American Legal Defense  
23 Fund as you said has no operating account?

24 A. Correct.

1 Q. Okay. And it's only you and  
 2 Mr. Saltzman, correct?  
 3 A. Yes.  
 4 Q. And you then also are a member who can  
 5 authorize expenses at TCA, correct?  
 6 A. I can authorize as TALDE-related  
 7 expenses. That's my testimony.  
 8 Q. Okay. And when was TALDE formed?  
 9 A. My recollection is maybe the summer --  
 10 spring/summer of 2008.  
 11 Q. Of 2008?  
 12 A. Yeah, that's what I --  
 13 Q. And is this the only matter that you  
 14 are actively litigating?  
 15 A. No.  
 16 Q. You're actively litigating also one  
 17 other matter that deals with the Armenian  
 18 Genocide?  
 19 A. It deals with defamation, sir.  
 20 Q. Well, is that in regards to the  
 21 Armenian Genocide?  
 22 MR. BREY: Objection.  
 23 A. It's --  
 24 MR. BREY: Relevance.

1 A. It's in regards to allegations that the  
 2 Turkish government is paying money for nefarious  
 3 purposes.  
 4 Q. Okay. Well, the -- you've now heard  
 5 the testimony of Sible Edmonds, correct?  
 6 A. I sat through that testimony, yes, sir.  
 7 Q. Okay. And the defamation case that you  
 8 are talking about is against the Southern Poverty  
 9 Law Center, correct?  
 10 A. And David Holthouse I believe are the  
 11 defendants.  
 12 Q. Okay. And that's the -- you filed a  
 13 defamation lawsuit specifically because the -- you  
 14 tell me, what is the defamation there?  
 15 A. If you would like, afterwards I can  
 16 send you a copy of the complaint. But if you want  
 17 to accept my summary, the gist, sir, of the  
 18 complaint is that Mr. Holthouse, through this  
 19 publication Intelligence Review, knowingly,  
 20 intentionally, and falsely accused Guenter Lewy,  
 21 the author of a book that addresses this issue and  
 22 I believe makes a conclusion that the evidence is  
 23 inconclusive, had his scholarship compromised by  
 24 being on the payroll of the government of Turkey.

1 That's the gist of the defamatory statement that's  
2 at issue.

3 Q. Okay. Now, when you say the government  
4 of Turkey, did you do independent investigation to  
5 see if the government of Turkey had sponsored  
6 Guenter Lewy's scholarship?

7 A. Well, that's privileged information --

8 MR. BREY: I object.

9 A. -- the way I would put together the  
10 complaint with Mr. Lewy, and that's my testimony.  
11 That's privileged information relating to how the  
12 complaint was prepared and the background of  
13 filing the lawsuit, sir.

14 MR. BREY: I also object --

15 Q. Do you have information --

16 MR. BREY: -- on the grounds that it's  
17 irrelevant and contrary to the ground rules.

18 Q. Have you done any investigation to see  
19 either in the Southern Poverty Law Center or in  
20 any other context whether the government of Turkey  
21 has spent money to compromise either scholarship  
22 or legislative bodies?

23 MR. BREY: I object unless you link it  
24 to this case. It's irrelevant.

1 Q. Have you done any -- have you done any?

2 A. With regard to Mr. Lewy, yes.

3 Q. Okay. Have you done any in regards to  
4 this case?

5 MR. BREY: Objection. You're asking  
6 how he prepared for the case. That's -- that's  
7 privileged and irrelevant.

8 MR. GERAGOS: He just -- okay.

9 Q. Go on.

10 A. Now, this case as you know,  
11 Mr. Geragos, does not concern paying money to  
12 compromise scholarship, which I think your  
13 question related to.

14 Q. I said compromised scholarship or  
15 legislative bodies.

16 A. Or legislate -- have I done independent  
17 investigation --

18 Q. Right.

19 A. -- to ascertain whether the government  
20 of Turkey and gone over and conducted an inquiry  
21 and interrogated under oath government officials  
22 or hired investigators to trace bank accounts,  
23 I've not done that, sir.

24 Q. Okay. Have you done anything -- any

1 independent -- and let me see if I have it  
 2 correct. You've done no independent research to  
 3 see where the funding for the Turkish Coalition of  
 4 America comes from; is that correct?

5 A. That is correct.

6 Q. And the Turkish Coalition of America --  
 7 although you are authorized to expend moneys on  
 8 behalf of the Turkish Coalition of America; is  
 9 that correct?

10 A. That is right.

11 Q. And specifically you have done research  
 12 in other cases regarding whether the government of  
 13 Turkey has compromised or used their moneys to  
 14 compromise scholarship; is that correct?

15 A. In the issue of Guenter Lewy where the  
 16 allegation, as you can see I believe just by  
 17 reading that document ahead of you, Mr. Geragos,  
 18 was that the plaintiff in the case who we  
 19 represent received money from the government of  
 20 Turkey in order to compromise his view of the  
 21 events of 1915 in writing the book that's cited  
 22 there. In preparing for that defamation and that  
 23 complaint, there was inquiry made into the  
 24 truthfulness of that allegation.

1 Q. Okay. But you did not do that in this  
 2 case?

3 A. There is -- I in this case did not --  
 4 well, maybe -- the answer is no.

5 Q. Okay.

6 A. If we accept asking witnesses --

7 MR. GERAGOS: Note an objection, it's  
 8 nonresponsive.

9 A. I'll just answer the question.

10 Q. Right. Just answer the question.

11 A. The answer is --

12 MR. BREY: I'll object to the question  
 13 on the grounds that it's not relevant to this  
 14 case. And also to the extent that you are talking  
 15 about preparation you did as counsel for the  
 16 current clients is privileged.

17 Q. Okay.

18 A. And the answer is that investigation  
 19 was done in conjunction with being the attorney  
 20 for the complainant in this case.

21 Q. Okay. You did answer no before your  
 22 counsel objected, correct?

23 MR. BREY: Then I'll move to strike.

24 A. No. I answered in conjunction with

1 this case and the attorney/client capacity the  
 2 answer is yes.

3 Q. The specifics of who gave money to Jean  
 4 Schmidt, the -- are you aware that the Turkish  
 5 council -- or the Turkish Coalition contributed  
 6 \$7,000 to Jean Schmidt in the 2008 cycle?

7 MR. BREY: Objection. You're  
 8 misrepresenting the record.

9 A. The record says nothing about that. A  
 10 PAC gave money, but that's not the Turkish  
 11 Coalition.

12 Q. Does the Turkish Coalition of America  
 13 have a PAC?

14 A. The PAC speaks for itself, sir.

15 Q. I'm asking you. Are you familiar with  
 16 it having a PAC?

17 A. There is a TCA USA PAC, but the way in  
 18 which the law operates, they are quite independent  
 19 of one another.

20 Q. Do you have a connection to the PAC?

21 A. No.

22 Q. Have you made any contributions to the  
 23 PAC?

24 A. None.

1 Q. Have you had any input into who the PAC  
 2 contributes to?

3 A. None.

4 Q. And did you know that the PAC  
 5 contributed \$7,000 to Schmidt in the 2008 cycle?

6 A. Only after -- the only way I came upon  
 7 that, Mr. Geragos, was in conjunction with  
 8 preparing the complaint as attorney for TALDF.

9 Q. Okay. Well, you're -- Mr. Saltzman who  
 10 works with you has a partner whose name is Gunay  
 11 Gvunc, O-V-U-N-C; is that correct?

12 A. That's a mispronunciation. I think  
 13 it's Gunay Evineh, but --

14 Q. Is -- is that his partner?

15 A. That's my understanding, sir.

16 Q. Okay. And is -- does his partner  
 17 happen to be president of the Assembly of Turkish  
 18 American Associations?

19 A. My understanding is that there is an  
 20 enormous dispute about the last election there.  
 21 It's been in litigation for a long time. I think  
 22 he is now, but that still may be in litigation,  
 23 sir. It would not be on personal knowledge.

24 Q. Well, do you know him to have been

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1 president at any point?

2 A. Well, I say I think that he may be now.  
3 I know that the issue -- the election of the  
4 president was hotly disputed and it was in court  
5 for many years. I don't know what -- it still  
6 could be in court at present.

7 Q. Now, the ATAA, you represented at least  
8 in 2000. How -- when was the last time you  
9 represented ATAA?

10 A. Oh, years ago. I think I left -- ATAA  
11 had an internecine problems that caused it to  
12 become de facto inactive I think in early 2000s,  
13 and I haven't had any -- any dealings with ATAA --  
14 I left any connection with them probably five,  
15 six, seven years ago.

16 Q. And specifically the ATAA, which you  
17 represented in the year 2000, correct?

18 A. I think the same -- is that the --  
19 that's the Topalian matter. I think that's right,  
20 sir.

21 Q. Right. Now, wasn't that when  
22 Ms. Edmonds singled out the ATAA as an  
23 organization that was aligned with the Turkish  
24 government and was involved in covert and overt

1 activities on behalf of the government of Turkey?

2 A. That's not my recollection of her  
3 testimony. I do not believe that she identified  
4 and said ATAA was a conduit of the government of  
5 Turkey, but the deposition will speak for itself,  
6 sir.

7 Q. Okay. Have you filed a defamation suit  
8 on behalf of either ATAA or any other organization  
9 against Ms. Edmonds?

10 A. Not yet.

11 Q. Okay. And when you say "not yet," is  
12 that -- you're familiar with Ms. Edmonds since  
13 when?

14 A. The only time I have ever met  
15 Ms. Edmonds was at her deposition, and that -- I  
16 haven't seen her subsequent to that time.

17 Q. Okay.

18 A. So --

19 Q. Were you familiar with her and what she  
20 was saying prior to the deposition?

21 A. The context in which I knew of  
22 Ms. Edmonds prior to the deposition was in  
23 conjunction with testimony I provided to the House  
24 Judiciary Committee on state secrets privilege and

1 whether Congress had a legislative role in  
2 amending the state secrets privilege so it  
3 wouldn't be so deferential to executive claims.  
4 And it was in that context in which her name had  
5 become known to me.

6 Q. Okay. And at no -- and were you aware  
7 of what she was saying about the Turkish  
8 government prior to the deposition?

9 A. Other than fleeting remembrances in  
10 newspaper articles, no.

11 Q. And did you -- and since her  
12 deposition, have you taken any steps to file a  
13 defamation action?

14 MR. BREY: Objection. That's  
15 irrelevant to any issue in this case. And it's  
16 contrary to -- unless you can show some grounds to  
17 link it up, I'll instruct the witness not to  
18 answer pursuant to the ground rules.

19 Q. Have you done anything to -- to follow  
20 up with a defamation lawsuit?

21 MR. BREY: I object. I instruct the  
22 witness not to answer unless you can show some  
23 remote relevance of that to the case.

24 Q. Mr. Fein, the -- you specifically I

1 believe said that the Turkish -- or that you are  
2 unaware of the funding for TCA; is that correct?

3 A. Yes.

4 Q. Are you aware that one funding source  
5 was this gentleman who is the -- is it Yalcin  
6 Ayusli?

7 A. Ayasli.

8 Q. Ayasli?

9 A. This was -- testimony I believe of this  
10 sort was at issue in the deposition of Lincoln  
11 McCurdy. I think you're asking whether I had done  
12 any independent investigation, and the answer was  
13 no.

14 Q. And are you aware that there's been at  
15 least 30 million contributed by this gentleman to  
16 TCA?

17 A. Do I know that number? No, I was not  
18 aware of that.

19 Q. Okay. And specifically, the -- do you  
20 know where any of the other funding came from for  
21 TCA?

22 A. Nope.

23 Q. Okay. And are you listed in any bank  
24 documents for TCA?

1 A. No.

2 Q. Signature cards?

3 A. No.

4 Q. And you have no authority to sign

5 checks?

6 A. Nope.

7 Q. Okay. And do you know -- have you ever

8 spoken to the Ayasli family about their political

9 contributions?

10 A. Spoken to them face-to-face or over the

11 phone, no.

12 Q. Well, any other way?

13 A. No. The only -- there have been in

14 this proceeding, sir, FEC documents that indicate

15 contributions, that's the only information I have,

16 and I have never raised or had any discussion ever

17 with them about any of their political

18 contributions.

19 Q. And have you talked to anyone about

20 making contributions to certain candidates?

21 A. No.

22 Q. Well, you have written repeatedly about

23 the verbal thuggery; isn't that correct?

24 A. Correct.

1 Q. And you've talked about and written

2 that there should be some campaign by Turkish

3 Americans or Turks to support those who oppose the

4 Genocide Resolution; isn't that correct?

5 A. I don't believe I've ever written and

6 suggested anybody should make a campaign

7 contribution of any sort to anybody, sir.

8 Q. You've never written anything of that

9 nature?

10 A. Not to my recollection, no, sir.

11 Q. Okay. And you write extensively on the

12 subject of the Genocide Resolution; isn't that

13 correct?

14 A. I write a lot about a lot of things,

15 sir.

16 Q. Well, I'm not asking you about a lot

17 about a lot of things. I'm asking you about the

18 Genocide Resolution?

19 A. I'm not sure what you mean by a lot.

20 Do I write about it every week or every other

21 week, no. Do I think I write more about it than

22 anybody else, no. Have I written it about it

23 periodically, yes.

24 Q. Yeah, well, how many times -- or how

1 many occasions would you say you've written about  
2 it?

3 A. I'd say half a dozen to ten occasions  
4 over several years.

5 Q. Okay. Did you ever write about it  
6 before you were hired by any of these Turkish  
7 organizations?

8 A. No, sir.

9 Q. Okay. And once you were hired and put  
10 on the payroll is when you first started writing  
11 about these -- the Genocide Resolution; isn't that  
12 correct?

13 A. If with regard to ATAA, which is the  
14 first organization, the only one that I worked  
15 with other than TCA and TALDF, that is the time  
16 when the first time I began writing and publishing  
17 about that issue.

18 Q. Okay.

19 A. Yes, sir.

20 Q. And that was also -- when about you  
21 become a resident scholar at one of these places?

22 A. I think it was around 1999 or 2000.

23 Q. And when you became the resident  
24 scholar is when you started writing about it,

1 correct?

2 A. Yeah, I had read earlier about it. The  
3 fact is I had no previous -- I spent probably 20  
4 years doing nothing but reading and writing with  
5 as -- someone who had been divorced and didn't  
6 spend -- really had very little exterior and  
7 professional projection, just because of  
8 intellectual interest on a whole host of things,  
9 and that was the large majority of research done  
10 then. I had written numerous hundreds of  
11 thousands of words, didn't get paid by anybody,  
12 Mr. Geragos.

13 Q. Right. Well --

14 A. I just wrote them -- I just wrote them  
15 and I had things published, and no one paid me a  
16 penny. For instance, I've written probably more  
17 about the Clinton impeachment and the Bush/Cheney  
18 violations than anyone in the United States and  
19 have not received a penny for them. No one was  
20 paying me for my viewpoint. And the same thing  
21 happened the way in which I came -- I've been  
22 looked and examined issues not just 1915, issues  
23 in Kashmir, issues in Cyprus, issues Sri Lanka and  
24 have written about that. If you are trying to

1 insinuate which I think you are, that I was  
2 paid --

3 Q. I --

4 A. -- I was paid to write the views and I  
5 had been compromised by my scholarship, I  
6 repudiate that entirely.

7 Q. Well, the fact is is you've written,  
8 what did you say, hundreds of thousands of words.  
9 Not one of those hundreds of thousands of words  
10 during your 20 years post divorce and your  
11 intellectual desert somewhere did you ever write  
12 about the Genocide until you got paid by some  
13 Turks; isn't that correct?

14 A. That didn't mean -- because there are  
15 hundreds -- tens of -- hundreds of issues you can  
16 write upon as an author and as a columnist as I  
17 was. And that does not mean that I hadn't  
18 examined -- certainly I had studied genocide,  
19 certainly from the Holocaust and the Genocide  
20 Treaty and the statutes. But anyway, we'll go  
21 back, the fact is, yes, sir, the publications came  
22 after I had been retained and was a resident  
23 scholar at ATAA, yes, sir.

24 Q. Okay. So after they became your

1 paymaster, so to speak, and you started writing  
2 these articles, did you also function as a lawyer  
3 or were you just as the resident scholar?

4 MR. BREY: I would object. The term  
5 paymaster is both pejorative and false. You've  
6 got to ask whether they were his paymaster before  
7 you ask him to swallow that word.

8 Q. Do you remember the question? You  
9 never wrote about it -- you said you --

10 A. Well, I think the issue, sir --

11 Q. -- had studied the --

12 A. The issue, sir, was whether you are --

13 Q. I asked if you remember --

14 A. -- maligning my reputation by using the  
15 word "paymaster."

16 Q. Is that maligning your reputation?

17 A. Is that what you are suggesting, how  
18 much -- when you say paymaster, were they the only  
19 people --

20 Q. You seem to be rather hostile about  
21 this.

22 A. You seem to be very hostile towards me,  
23 sir.

24 Q. I have nothing but curiosity about you,

1 Mr. Fein.

2 A. And I have nothing but the most flowery  
3 effusive ideas about you, sir.

4 Q. So I'm asking you: Until they became  
5 your paymaster or somebody who paid you or  
6 employed you, you'd never written a single word  
7 about the Armenian Genocide; isn't that correct?

8 MR. BREY: I would object again. You  
9 can't use the word "paymaster." He's already  
10 rejected that word.

11 MR. GERAGOS: I gave him an  
12 alternative.

13 MR. BREY: Unless you --

14 MR. GERAGOS: I gave him an  
15 alternative. If you would listen to the  
16 question --

17 MR. BREY: Well, then you've asked a  
18 compound question, and I object to it because it's  
19 a compound question.

20 MR. GERAGOS: It's not a compound  
21 question when I give a multiple definitio. I  
22 think Mr. Fein's thousands of words --

23 A. I understand, sir. Let's move on with  
24 the deposition.

1 Q. Right.

2 A. I may have written about it insofar as  
3 I would just write things. Oftentimes you write  
4 things and they don't get published. But in terms  
5 of published statements, correct.

6 Q. Okay. And the first published  
7 statement that you wrote, would that have been the  
8 document that we previously marked as Exhibit A?

9 A. No. I think that --

10 MR. BREY: Do you have a copy of  
11 Exhibit A for me? I don't think I got one.

12 MR. GERAGOS: I don't know if I've got  
13 a copy, but feel free to peruse it.

14 A. I think that there had been other  
15 publications that had been published by ATAA where  
16 I had addressed this issue. And I believe -- and  
17 I apologize, I think I forgot your question. My  
18 recollection is the only time I acted as an  
19 attorney was the sentencing of your client, Mourad  
20 Topalian, out of the Northern District of Ohio.

21 Q. And the ATAA you had a -- has both a  
22 website and also publishes and distributes  
23 publications, correct?

24 A. When I was working with them, they

1 didn't have a website. This was before I suppose  
2 you might call the third generation of -- well,  
3 maybe they did. I certainly didn't have any  
4 knowledge of the website. I do know that they  
5 periodically publish things.

6 Q. And did you publish things for them  
7 regarding the Genocide?

8 A. Yes.

9 Q. And that was after you became --

10 A. A resident scholar.

11 Q. -- a resident scholar?

12 A. Yes.

13 Q. And the -- you're -- were you limited  
14 or were you employed by anyone else at the same  
15 time that you were resident scholar there?

16 A. Yes, I had other clients. That was not  
17 a full-time job.

18 Q. Okay. And what years were you a  
19 resident scholar at the ATAA?

20 A. I'm -- I think it was like 1998 and  
21 1999 to maybe 2001. I'm -- I don't have -- those  
22 were the approximate years, sir, but they could be  
23 off by a couple years.

24 Q. And who was there at the ATAA when you

1 were there?

2 A. Well, the one who I dealt with most  
3 regularly was Guler Koknar. She I believe was the  
4 executive director.

5 Q. Okay. And when you sat through Sible  
6 Edmonds' deposition, did you understand that the  
7 activities that she was talking about in regards  
8 to the Turkish government as related to the ATAA  
9 would have been during that time period when you  
10 were the resident scholar?

11 A. I -- I do not recall her testimony  
12 being that ATAA was a conduit, a front  
13 organization for the government of Turkey, but her  
14 deposition will speak for itself.

15 Q. And are you aware of any other social,  
16 cultural, or political organizations back in 1999,  
17 2000, 2001 that were promoting Turkish-American  
18 issues?

19 A. No.

20 Q. Okay. And that's the only one you're  
21 aware of; isn't that correct?

22 A. Yes.

23 Q. In fact the ATAA during that time  
24 period, '99 through 2001, promoted itself as the

1 foremost or only organization of its kind; isn't  
2 that correct?

3 A. I don't know how they promoted  
4 themselves.

5 Q. Well, do you recall seeing promotional  
6 material?

7 A. No.

8 Q. All right. Do you remember saying or  
9 writing yourself -- I'm sorry, do you have  
10 Exhibit A?

11 MR. BREY: Oh, I do. I'm sorry.

12 MR. GERAGOS: Thank you.

13 Q. Do you remember writing that the ATAA,  
14 located at 1526 18th Street Northwest, Washington,  
15 D.C., is a District of Columbia nonprofit  
16 organization which serves as an umbrella  
17 organization to over 50 local Turkish-American  
18 organizations representing 200,000 individuals?

19 A. Yes, I -- I remember -- I remember  
20 that.

21 Q. You wrote that, correct?

22 A. Yes.

23 Q. Okay. Was that true, a true statement  
24 at the time?

1 A. As far as I know. I didn't do any  
2 independent research. I wasn't the one who was --  
3 I would have asked someone at ATAA to provide  
4 those numbers.

5 Q. And specifically, the -- at the time  
6 you believed ATAA, and this would have been in  
7 October of 2000, to have been the -- the only  
8 organization that was acting as its -- as that  
9 kind in America on behalf of Turkish-American  
10 groups?

11 A. Well, I'm not sure -- I can't answer  
12 that question as you phrased it, Mr. Geragos. I  
13 think the statement says it was the -- the -- it  
14 represented the 50 or so local Turkish-American  
15 associations. Whether or not there are other  
16 organizations out there doing something similar  
17 and having different agendas, I don't know one way  
18 or the other.

19 Q. Okay. And the -- did you do anything  
20 after Sible Edmonds' deposition when she talked  
21 about these groups infiltrating or the Turkish  
22 government infiltrating these type of  
23 organizations? Did you do anything to find out if  
24 in fact that had happened during the year 1991 to

1 the year 2001?

2 MR. BREYER: I object --

3 A. Do --

4 MR. BREYER: -- and instruct the witness  
5 not to answer. That's clearly privileged.

6 Q. I'm not asking you in your capacity as  
7 a lawyer, but as a resident scholar who's greatly  
8 worried about his reputation. Weren't you worried  
9 that you might have been compromised by the  
10 Turkish government?

11 MR. BREYER: Again, I'll --

12 A. Let me --

13 MR. BREYER: -- object on the grounds of  
14 relevancy and it goes far beyond the grounds  
15 unless you can show me some basis upon which the  
16 answer to that question is remotely relevant to  
17 the issues in this case.

18 A. I'll go ahead and answer. I viewed  
19 Sible Edmonds' testimony as delusional. Many of  
20 the things that she was saying about people that I  
21 knew seemed like accusing Jesus Christ of having  
22 committed fornication from his beginning. And it  
23 wouldn't even have occurred to me to give any  
24 credence to a person who I thought was

1 semi-crazed.

2 Q. Okay. Now, you say delusional.

3 Meaning that you thought that she was unhinged and  
4 that she had no connection to reality?

5 A. The statements that these members of  
6 Congress knew -- Tom Lantos, who I had known for a  
7 long time and his wife, taking bribes from the  
8 Turkish government is just one example of the  
9 preposterousness; how she would know that Denny  
10 Hastert having a -- basically a brothel operating  
11 out of his house, those are the kinds of things  
12 that would -- led me to -- if you are asking my  
13 opinion sitting there, and that's what you're  
14 asking for, made me think she was delusional.

15 Q. Okay. And have you done anything to  
16 determine whether or not the Turkish government,  
17 in fact, has supplied money to TCA or ATAA?

18 A. I have not made an independent  
19 investigation by hiring others. I certainly ask  
20 others who would be in a position to know, and all  
21 of them have denied it and said similar things;  
22 Sible Edmonds is delusional.

23 Q. Okay. And that would be who?

24 A. The persons that are associated with

1 TCA, I think.

2 Q. David Saltzman?

3 A. David Saltzman I think would share that  
4 view. I think Lincoln McCurdy would. I think  
5 everybody involved in TCA thinks that Sible  
6 Edmonds is unhinged as you put it.

7 Q. Okay. And the TCA is comprised of  
8 McCurdy, Saltzman, yourself, and is there anybody  
9 else?

10 A. I'm not sure I know everybody who is on  
11 the staff. I knew we have some interns that were  
12 recently hired. But I wouldn't be able to say  
13 with certainty I know everybody who's on the  
14 staff.

15 Q. Okay. And this is the same -- operates  
16 out of the same office that the PAC is at, is that  
17 correct, same address?

18 A. They may use the same address. There  
19 are more than one offices in that building.

20 Q. Okay. When you say more than one  
21 office, do you share the same front door?

22 A. Everyone who has an office in 1025  
23 shares the same front door. You go in 1025,  
24 there's probably hundreds of organizations.

1 Q. Okay. And is there a door that enters  
2 your particular office area?

3 A. No. There is -- I don't know whether  
4 Mr. Krikorian was there in attending the  
5 deposition. I think he may have been on one  
6 occasion, maybe Mr. Marino was the only one.  
7 There is a door that enters into Suite 1000,  
8 that's the 10th floor, and there are many  
9 different groups that all operate in that suite of  
10 offices. But there's no particular entrance door  
11 for TCA, TALDF. The suites -- I'm sure you're  
12 familiar with those, Mr. Geragos, your same  
13 offices maybe similar -- also house other  
14 organizations that have nothing to do with TCA.

15 Q. And the specifics of the Turkish  
16 government infiltrating these cultural --  
17 so-called cultural organizations, have you met  
18 with any Turkish government officials?

19 A. In my entire life?

20 Q. Yeah.

21 A. Occasionally on meetings with -- I  
22 mean, there have been occasions when they  
23 celebrate the birthday of --

24 Q. And who have you met with?

1 A. I've met very briefly with the  
2 ambassador and --  
3 Q. Which ambassador?  
4 A. Nabi Sensoy for a few moments, and I  
5 don't know how to pronounce the name, Farak  
6 Logoglu of -- he -- I believe he was the  
7 predecessor who similarly would invite those who  
8 are involved in Turkish issues over to the embassy  
9 for various events.  
10 Q. And how many times have you been to the  
11 embassy?  
12 A. Over what period of time?  
13 Q. Ever.  
14 A. In my entire life?  
15 Q. Well, wait. I would assume you  
16 never --  
17 A. Maybe -- maybe a half a dozen to a  
18 dozen times.  
19 Q. The -- was that the embassy that was  
20 once located on Massachusetts Avenue? Did you  
21 ever go to that one?  
22 A. I think I went once or twice there.  
23 Q. Okay. And what other Turkish officials  
24 have you met?

1 A. Namik Tan was someone I had met at the  
2 -- at the old Massachusetts Avenue --  
3 Q. Okay.  
4 A. And he was somebody in the -- I don't  
5 know whether he was in communications.  
6 Q. Okay. And had you ever met with any  
7 Turkish official before I became employed by the  
8 ATAA?  
9 A. Yes.  
10 Q. You had?  
11 A. Uh-huh.  
12 Q. Who did you meet with?  
13 A. Well, it was Namik.  
14 Q. When?  
15 A. Today, 1999, 1998, 1997, something like  
16 that.  
17 Q. Well, so was he instrumental in getting  
18 you employed at ATAA?  
19 A. What do you mean by "instrumental"?  
20 Q. Was it a meeting of him what got you to  
21 be employed by ATAA?  
22 A. I don't know whether you would say got  
23 me employed by the ATAA.  
24 Q. Well, he's the one who recommended that

1 they hire you; isn't that correct?

2 A. I don't know whether he did.

3 Q. Didn't you talk to him about it?

4 A. No. I didn't talk to him about it. I

5 talked to Guler Koknar is the one who made the

6 decision.

7 Q. And what was Guler Koknar's position at

8 that point?

9 A. Guler Koknar's position? She was

10 executive director at ATAA.

11 Q. Well, how did you meet him?

12 A. I don't recall --

13 Q. You met him through --

14 A. No, I don't recall the circumstances.

15 Q. You met him after you talked with the

16 ambassador; isn't that correct?

17 A. No.

18 Q. You just testified that you met the

19 ambassador either in '97 or '98; is that right?

20 A. No, I didn't testify to that. Namik

21 was -- Namik I met before I ever spoke to any

22 ambassador.

23 Q. Well, didn't you just testify that you

24 met the ambassador in '97 or '98?

1 A. No.

2 Q. No?

3 A. No.

4 Q. Okay. Do you want me to read back that

5 testimony?

6 MR. BREY: Why don't you, because I

7 didn't recall it either.

8 Q. And when -- when did you meet the

9 ambassador?

10 A. Well, there were several. I don't

11 think the ambassador who was there at the time

12 that Namik -- had first met Namik, I don't think I

13 ever met that ambassador. The other ones were

14 maybe 2003, 2005.

15 Q. Who was the first Turkish government

16 official that you met?

17 A. Namik Tan.

18 Q. What year?

19 A. I said I think it was about 1999.

20 Q. About 1999?

21 A. Yeah, could it could have been 1998.

22 Q. And then you became hired by ATAA

23 shortly after that, correct?

24 A. I don't know how shortly after that.

1 It may have been months or six months or whatever.

2 Q. Well, you met with him, and did you  
3 discuss the fact that you wanted to be employed?

4 A. No.

5 Q. Did you discuss the fact that you were  
6 looking for a position?

7 A. No.

8 Q. And did he mention -- did you discuss  
9 ATAA with him?

10 A. I think he may have brought up that A  
11 -- I didn't even know ATAA existed at that time.

12 Q. Okay. And what did he bring it up,  
13 what did he say?

14 A. Well, I don't recall.

15 Q. You don't recall what the Turkish  
16 ambassador told you about ATAA right before you  
17 got hired by ATAA?

18 A. I didn't speak to the Turkish  
19 ambassador before I took to ATAA.

20 Q. Who did you speak to?

21 A. Namik Tan.

22 Q. And who was Namik?

23 A. I told you Namik Tam was head of some  
24 aspect of communications.

1 Q. For?

2 A. The Embassy of Turkey.

3 Q. And when you spoke to this person who  
4 was the -- was he working out of the embassy?

5 A. Yes.

6 Q. Namik Tam?

7 A. Uh-huh.

8 Q. And was this a person that you knew to  
9 be an agent of the Turkish government?

10 A. I assumed he worked there, but I  
11 actually didn't do any independent research to  
12 corroborate that. He could have been an Armenian  
13 plant.

14 Q. Okay. Well, did he --

15 A. In fact, I'm -- that may well be the  
16 case since didn't I didn't do an investigation to  
17 trace back what he might have been retained by.

18 Q. Is it your belief that Namik Tan is an  
19 plant of the Armenians?

20 A. Of course not.

21 Q. Well, then --

22 A. Is it yours?

23 Q. -- why did you suggest it?

24 A. Sorry. What?

1 Q. Was that your attempt at humor?  
2 A. It's an attempt to show that your  
3 insinuation that unless you investigate and prove  
4 the negative of everything in the world it's  
5 reasonable to believe the negative. That what it  
6 was an attempt to show.  
7 Q. I don't know where that comes from.  
8 A. From your question, sir.  
9 Q. Well, the question I have is, you met  
10 this person who was working in the embassy,  
11 correct?  
12 A. Yes, sir.  
13 Q. And as far as you know, was a director  
14 of communications; is that correct?  
15 A. He dealt with the public relations arm.  
16 I'm not sure what his title was.  
17 Q. Right. And then he's the one who first  
18 mentioned ATAA to you, correct?  
19 A. I think that's right.  
20 Q. And then shortly thereafter you go to  
21 work for ATAA?  
22 A. May have been within six months.  
23 Q. Okay. And didn't you ask him for help  
24 getting a job at ATAA?

1 A. No.  
2 Q. Didn't he contact ATAA on your behalf?  
3 A. He may have. I don't know.  
4 Q. Did you ask him to do that?  
5 A. No.  
6 Q. And did you refer to him when you  
7 talked to the people at ATAA? Did you use him as  
8 a reference?  
9 A. I think they knew who Namik Tan was.  
10 Q. Right.  
11 A. And Guler Koknar.  
12 Q. Did you use him as a reference?  
13 A. I don't believe I used him as a  
14 reference.  
15 Q. Was it your understanding that --  
16 A. Did he --  
17 Q. -- that he had recommended you for the  
18 job?  
19 A. I do not know.  
20 Q. Well, that wasn't your understanding at  
21 the time?  
22 A. I don't know whether he said anything  
23 one way or the other.  
24 Q. Have you ever told anybody that he was

1 the one who was instrumental in getting you the  
2 job?  
3 A. No.  
4 Q. You've never said that to anybody?  
5 A. No.  
6 Q. Okay. And the -- after you got the  
7 job, did you call him and thank him?  
8 A. I don't have any recollection of that,  
9 no.  
10 Q. Okay. Did you thank him in person?  
11 A. No.  
12 Q. Did you ever say anything to him, write  
13 a note to him expressing your gratitude for  
14 getting you the job at ATAA?  
15 A. I didn't have any belief that he,  
16 quote, got me the job at ATAA.  
17 Q. Okay. Did you notice a relationship  
18 between this general -- this gentleman, the  
19 director of communications, and the ATAA?  
20 A. A -- did I notice a relationship? I  
21 largely was working out of my office in the home,  
22 so I wouldn't have been privy to anything that was  
23 going on between Namik Tan and ATAA.  
24 Q. Okay.

1 A. I would say I spent probably 95 percent  
2 of my time working there. Occasionally I would go  
3 into -- I think the address is listed on that  
4 filing, 15th Street or whatever.  
5 Q. The 1526 18th Street?  
6 A. Yeah.  
7 Q. Okay.  
8 A. That I think was the townhouse.  
9 Q. And did you --  
10 A. And I -- excuse me?  
11 Q. You said you thought was a what?  
12 A. A townhouse.  
13 Q. Okay. And is that where you worked?  
14 A. I had no office there. I knew that was  
15 their headquarters, and so when I would come in  
16 and talk to Guler Koknar about writings and I also  
17 would -- for ATAA I would go out to speak to some  
18 of the local groups where they served as an  
19 umbrella organization for, that's where I would  
20 meet her, but I had no office there.  
21 Q. What were some of the local groups that  
22 they were an umbrella organization for?  
23 A. I don't recall the particular ones.  
24 They went under various organizations. There was

1 I think one of D.C. -- one in D.C. that Oya Bane  
2 was head of, but there wasn't a uniform  
3 appellation that was attached to local Turkish  
4 organizations.

5 Q. Okay. And specifically the conclusion  
6 that you write in Exhibit B, that the  
7 congresswoman based on her independent research  
8 does not believe the tragic events of World War I  
9 in which both Armenians and Turks were killed in  
10 harrowing numbers constitute genocide. Is that a  
11 denial of the Genocide in your opinion?

12 MR. BREY: Objection. You've  
13 mischaracterized his testimony about the  
14 authorship of Exhibit B.

15 Q. Is that a denial of the Genocide?

16 A. There are several ways to characterize  
17 a position depending upon whether you're in a  
18 court of law or speaking informally or in the  
19 context in which a question is asked. Now, if the  
20 question is: Whether or not someone believes  
21 based upon their understanding that there's proof  
22 beyond a reasonable doubt that would lead one to  
23 vote as a member of a jury to convict an accused  
24 of a particular crime with the level of certitude

1 that's required, proof beyond a reasonable doubt,  
2 that I think is an accurate statement, not only of  
3 Jean Schmidt's view, it was the statement that was  
4 made by the head of Mr. David Krikorian's campaign  
5 in response to a deposition question I asked him.  
6 Namely, he did not have enough information to  
7 conclude one way or the other. He couldn't reach  
8 a verdict of conviction.

9 Q. Okay. Is there any place in here, in  
10 this TCA issue paper which we've marked as  
11 Exhibit B, anywhere where it says that  
12 Congresswoman Schmidt on numerous occasions beyond  
13 a reasonable doubt to a jury in a criminal case  
14 denies genocide?

15 A. Well, genocide is a crime, sir, as you  
16 well know. And it's in the context in which  
17 issues are raised. When you are using  
18 criminality, it's not unreasonable to assert a  
19 standard of proof that is customary before we  
20 decide to stigmatize someone with crime.

21 Q. Okay. Is there -- I'm going to ask you  
22 this question again. Is there -- is it anywhere  
23 stated in here that that's the standard you're  
24 asking for?

1 A. It's not the express statement, but it  
2 could be an implied statement.

3 Q. And did you -- did you imply that she  
4 is denying the Genocide in this TCA paper?

5 A. Implying that -- I'm not -- I'm  
6 implying that she would vote as a juror where the  
7 standard is beyond a reasonable doubt based upon  
8 all the evidence in the public record and the  
9 definition of genocide that would be given as an  
10 instruction to the jury based upon the Genocide  
11 Convention of 1948 and the relevant U.S. statute,  
12 that she could not reach a verdict of conviction.  
13 That is what I'm suggesting.

14 Q. Well, is there anyplace in the  
15 complaint where it says in a -- this is a verdict  
16 of a jury trial?

17 A. Anywhere in what complaint, sir?

18 Q. In the complaint that's been drafted  
19 here. Do you know what the complaint is in this  
20 case?

21 A. I know the complaint in this case.

22 MR. BREY: Objection. There are  
23 actually two complaints.

24 MR. GERAGOS: I understand.

1 MR. BREY: I don't know what you're  
2 showing.

3 MR. GERAGOS: I'm asking him if he's  
4 familiar with the complaint in this case.

5 A. I am familiar with the complaint in  
6 this case, correct.

7 Q. Okay. And are you familiar with the --  
8 the statements in here that Jean Schmidt says she  
9 is not denying the Genocide?

10 A. Those statements I believe are not in  
11 the case anymore.

12 Q. Okay. Are you familiar with the fact  
13 that they were in the case?

14 A. I'm familiar with the fact that they  
15 previously were in the case.

16 Q. Okay.

17 A. Yes, sir.

18 Q. And do you think that those statements,  
19 that she does not deny the Genocide, comport with  
20 the statement that you released or that you  
21 drafted in hole or in part that was marked as  
22 Exhibit B?

23 A. I think that they can be reconciled  
24 along the lines that I've suggested; that is,

1 someone like Mr. Krikorian's campaign manager, who  
2 says I don't have enough evidence to know one way  
3 or the other, is not going to subscribe  
4 affirmatively to the fact that there was a  
5 genocide. And that was his testimony under oath,  
6 sir. And that is consistent with saying that he  
7 -- just like his campaign manager couldn't say  
8 there was a genocide, that's the same way in which  
9 again Schmidt could make the same statement.

10 Q. Okay. Who was his campaign manager?

11 A. I believe it was Mr. Riesling, or if I  
12 can get his deposition testimony if you want me to  
13 refresh my recollection.

14 MR. BREY: That's okay.

15 Q. I'm puzzled as to who you're talking  
16 about. Are you talking about the campaign manager  
17 that you took the deposition of?

18 A. Yes, that is correct.

19 Q. In this case?

20 A. In this very case, yes, sir.

21 Q. And that person was David Krikorian's  
22 campaign manager, that's your recollection?

23 A. He was -- I believe that -- I believe  
24 that was the title, someone who was a prominent

1 figure in David Krikorian's campaign. Whether he  
2 called himself his manager or not, he's someone  
3 that was deposed, but he worked high level in  
4 Mr. Krikorian's campaign, yes, sir.

5 Q. And when you said you can reconcile,  
6 would you admit that the draft complaint or the  
7 complaint that was filed is at odds with the TCA  
8 issue paper?

9 A. The fact is, Mr. Geragos, because we  
10 thought that there could be ambiguity about this  
11 issue, that's the reason why we decided to  
12 withdraw that particular allegation and just  
13 proceed in a more straightforward way because  
14 there is a tension since there are two ways you  
15 can read that, one would be something that would  
16 be more contradictory, the other one was not. But  
17 given the ambiguity, we decided that we didn't  
18 want to push forward where the levels of proof and  
19 the importance of clarity were such to continue to  
20 keep that in the case, and we dropped it.

21 Q. And when you say the tension, are you  
22 referring to the TCA issue paper, which is  
23 Exhibit B, which is in front of you?

24 A. That is one source of tension. I think

1 that during the discovery there was another  
2 similar ambiguous statement about not supporting  
3 the resolution as opposed to denying the Genocide.

4 Q. Well, the -- when I say during your  
5 discovery, you mean during Jean Schmidt's  
6 deposition?

7 A. No. I think this was in --

8 Q. Because it was dismissed prior, right?

9 A. Right. I think this was in documentary  
10 information, I believe at one fundraiser there had  
11 been a document that had been sent out that was  
12 similar, and that's what caused a re-examination  
13 of the clarity of the evidence.

14 Q. All right. Now, I'm going to show you  
15 a -- it looks like Today's Zaman, your gateway to  
16 Turkish daily news. Have you ever written  
17 anything for Today's Zaman?

18 A. No.

19 Q. Have you ever seen this document?  
20 Before I mark it, I'll ask you if you have seen  
21 it?

22 A. I believe at Jean Schmidt's deposition  
23 was the first time I saw that document.

24 Q. Okay. You didn't write anything that's

1 contained in there?

2 A. I had nothing -- no.

3 Q. Do you know anybody who did?

4 A. No.

5 Q. We'll mark that as Exhibit C.

6 - - - - -

7 Thereupon, Defendant's Exhibit C is marked  
8 for purposes of identification.

9 - - - - -

10 Q. Now, the -- I want to go back to what I  
11 was asking before. You said the tension. The  
12 tension was in documentary evidence, meaning that  
13 this press release, which was released on -- it  
14 says November 4th, that did not comport with the  
15 -- or you had some trouble reconciling it with the  
16 complaint itself; is that correct?

17 MR. BREY: I would object.

18 A. I don't know whether you'd call it --

19 MR. BREY: I would object. Let me  
20 object.

21 I would object. This goes far beyond  
22 anything that's relevant to the case in terms of  
23 what's remaining.

24 Q. I'll try to move through it quickly.

1 MR. FINNEY: Well, hold on. Let me  
 2 make sure we're clear. One of the things that we  
 3 have remaining in this case and we've said this in  
 4 the pleading to the Election Commission is the  
 5 sanction of counsel and your client for having  
 6 made repeatedly the false accusations in the four  
 7 charges that you dropped.

8 MR. BREY: That still doesn't make it  
 9 discoverable for the hearing.

10 MR. FINNEY: That's -- Mark, I just  
 11 want to make sure you're aware.

12 Q. Okay. The --

13 MR. BREY: I'm sorry. I didn't mean to  
 14 interrupt you. I'm wondering when we want to take  
 15 a break.

16 MR. GERAGOS: What time is it, I'm  
 17 sorry. I'm still on Pacific time. It's a quarter  
 18 to 1:00.

19 MR. FINNEY: It's a quarter till 1:00.

20 MR. GERAGOS: Take the break now,  
 21 that's fine.

22 MR. BREY: Okay.

23 - - - - -

24 Thereupon, a luncheon recess is taken

1 at 12:44 p.m.

2 - - - - -

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Monday Afternoon Session

August 31, 2009, 1:55 p.m.

- - - - -

Q. Okay. Thank you. We're back on the record. It's 2:00.

Mr. Fein, I'm going to show you a list of contributions. Take a look at that and I'm just going to pull out those two pages and just mark those two pages. Do you recognize this list?

A. No. I mean, did I have anything putting it together, no.

Q. No. Do you recognize what it is?

A. It has a listing it looks of contributions, last contributions. I'm just guessing that it's political contributions, but there's no label on it. So you can tell me what it is, but I think just that page by itself, Mr. Geragos, doesn't tell me what the contributions are for.

Q. Okay.

MR. BREY: He's not asking you to guess.

A. Oh.

Q. I'm not asking you to guess is correct.

I'm asking if you take a look at -- well, in fact take more than a look. I'll mark it as one, two, three, four, five, six, seven, eight, nine, ten pages, and I will mark that as Exhibit D. Take a look at that, and will you go through that and tell me if you recognize any of those names?

- - - - -

Thereupon, Defendant's Exhibit D is marked for purposes of identification.

- - - - -

A. Any of the names that are on the mail name?

Q. Yes.

A. Because there are plenty. Would you like -- are there some here that I recognize?

Q. Yes.

A. There are certainly some.

Q. Okay. Could you state which are the ones you recognize?

A. Do you want me to go through page by page?

Q. Yes, exactly, the ones you recognize.

A. So --

Q. I assume that's more -- I could do it

1 either way. You can either tell me the ones you  
2 recognize, or if it's easier to just say the ones  
3 you don't recognize.

4 A. I think it's easier to say the ones  
5 that I do recognize.

6 Q. Okay.

7 A. On the first page, do you know what --  
8 the top page that you gave me --

9 Q. Right.

10 A. -- Mr. Geragos, Yalcin Ayasli --  
11 Ayasli, sorry for that pronunciation. I do know  
12 he's the gentleman I know who is the primary  
13 founder of TCA. I believe I met Bahar is his  
14 daughter on one occasion, so I remember that name.  
15 I met on one occasion Ahmed Gultekin. I recognize  
16 Lincoln McCurdy. So I believe, Mr. Geragos, on  
17 the first page there are four names.

18 Q. Okay. On the second?

19 A. On the second page, I don't recognize  
20 any of those names.

21 Q. Okay.

22 A. The third page, it just -- it just has  
23 salutation. I -- just single names. I don't --  
24 it's -- just with first names, I would be

1 uncomfortable knowing who they could be on that  
2 third page. Are their last names addressed there  
3 it just as salutation Nami, Ahmet, Erhan, Orhan.  
4 Is there a last name that's attached to those, do  
5 you know?

6 Q. I believe they are on the following  
7 page.

8 A. The fourth page I have -- the third and  
9 fourth pages to me look like they just have first  
10 names.

11 Q. Okay. You don't recognize any of those  
12 just by first name; is that correct?

13 A. Well, some of them could be. I mean,  
14 Yalcin obviously if the first name Yalcin Ayasli.

15 MR. FINNEY: Mark, just to clarify,  
16 there's two pages of names, and then it's a  
17 spreadsheet that goes across, so like salutation  
18 and donation amount. So I think just the first  
19 page two pages are the ones that have the full  
20 name.

21 Q. You've gone through the first two  
22 pages?

23 A. Uh-huh.

24 Q. You recognize those names, the ones

1 you've previously stated, the four?

2 A. The four are the only ones that I  
3 recognize.

4 Q. Now, earlier you had indicated that you  
5 thought you had only registered once as a foreign  
6 agent, then I think you clarified that it maybe  
7 was three times?

8 A. It could have been -- it could have  
9 been.

10 Q. I'm going to ask you if you recognize  
11 this, which will be Defense Exhibit E. Is that  
12 your --

13 A. Yes.

14 Q. -- registration statement?

15 - - - - -

16 Thereupon, Defendant's Exhibit E is marked  
17 for purposes of identification.

18 - - - - -

19 A. Yes.

20 Q. And that was for what?

21 A. RENAMO was an organization -- it was a  
22 political party in then Mozambique.

23 Q. Okay. And you were -- that's your  
24 name, you're the registrant pursuant to the

1 Foreign Agents Registration Act?

2 A. Yes.

3 Q. Okay. And where did you -- let's see.  
4 The -- who did you represent, specifically?

5 A. RENAMO.

6 Q. Okay. Here's Exhibit F. Is that also  
7 a foreign registration statement?

8 - - - - -

9 Thereupon, Defendant's Exhibit F is marked  
10 for purposes of identification.

11 - - - - -

12 A. Yes. That's Pakistan.

13 Q. Who did you represent?

14 A. The Embassy of Pakistan.

15 Q. Okay. And that's -- that was filled  
16 out by you in your handwriting?

17 A. That's what it looks like, yes, sir.

18 Q. Okay. And Exhibit G?

19 - - - - -

20 Thereupon, Defendant's Exhibit G is marked  
21 for purposes of identification.

22 - - - - -

23 A. Uh-huh.

24 Q. Is that another foreign registration?

1 A. Yes.

2 Q. And that's also by you?

3 A. Yes.

4 Q. Okay. And that's for what government?

5 A. The Embassy of Togo.

6 Q. Okay. Now, in these four registration  
7 statements, the -- what you say you're going to do  
8 is -- let's see, for Pakistan, for instance,  
9 you're going to communicate --

10 MR. BREY: Excuse me. Could we get  
11 copies of these exhibits now?

12 MR. GERAGOS: Sure.

13 (A short recess is taken.)

14 Q. Now, on the registration of -- that's  
15 marked as Exhibit E, and that's for RENAMO, you  
16 describe your -- you're supposed to receive 40,000  
17 per month indefinitely plus out-of-pocket expenses  
18 for addressing and writing a political agenda; is  
19 that correct?

20 A. Yes. That contract was never  
21 effectuated because changes in circumstances.  
22 That was not honored by RENAMO.

23 Q. Okay. And the nature of your  
24 performance would be to give speeches, draft press

1 releases, write newspaper columns, give broadcast  
2 interviews, and communicate with members of  
3 Congress, the Bush administration and leaders; is  
4 that correct?

5 MR. BREY: Objection. Relevance.

6 A. I'll -- what, in fact, I did with  
7 them -- none of those activities did I perform. I  
8 drafted a model constitution with something like  
9 the Federalist Papers and charted out what I  
10 thought would be a sensible way to resolve the  
11 outstanding dispute between RENAMO and FALEMO.  
12 Mozambique was in a Civil War. Ultimately it did  
13 resolve the situation, and the UN held elections  
14 in a few year's time. And RENAMO is now probably  
15 the largest opposition party; FALEMO is still the  
16 ruling party in Mozambique. But none of those  
17 activities that were described were performed  
18 because RENAMO did not honor their promise.

19 Q. Okay. I'm going to go back to my  
20 question. Maybe I didn't --

21 A. Okay.

22 Q. The -- you were supposed to give speech  
23 -- or what you proposed to do was give speeches,  
24 press release, write newspaper columns give

1 broadcast interviews?

2 A. That's what I proposed, yes.

3 MR. BREY: Objection. Relevance.

4 Q. And then the same for the Embassy of

5 Pakistan, that what you were proposing to do was

6 communicating in writing orally with -- and

7 members of Congress and the Executive Branch to

8 influence United States policy; is that correct?

9 A. Yeah. That was largely over -- as you

10 know, that Kashmir is a huge issue between Indian

11 and Pakistan.

12 Q. And you wanted to organize symposium

13 issues such as Kashmir and nuclear proliferation,

14 provide legal advice, lobby key members of

15 Congress, right?

16 MR. BREY: I would like to have a

17 general objection to the relevancy of questions

18 about this.

19 MR. GERAGOS: That's fine.

20 A. Yes.

21 Q. Okay. And the same with the Embassy of

22 Togo, the -- you were going to draft informational

23 materials, educate governmental officials, the

24 media and the American people, correct?

1 MR. BREY: Same objection as to

2 relevance. Go ahead.

3 A. Yes. They had similar problems with

4 constitutional transition there. African Trade

5 and Development Act was a big issue for them.

6 Q. Now I'm going to ask you to take a look

7 at what I marked as Exhibit H. Have you seen this

8 before, this document before?

9 - - - - -

10 Thereupon, Defendant's Exhibit H is marked

11 for purposes of identification.

12 - - - - -

13 A. No.

14 Q. Okay. Do you know what the Caspian

15 Group is?

16 A. No.

17 Q. Do you see the address there?

18 A. Yes.

19 Q. It's the address -- that's the original

20 you've got in your hands; is that correct?

21 A. Yes.

22 Q. Okay. And is that address the same

23 address where your organizations, TCA and the

24 Turkish American Legal Defense Fund, is --

1 operates out of?  
2 A. Well, certainly the 1025 Connecticut  
3 Avenue Northwest is. Now, it says No. 1025, I'm  
4 not sure, Mr. Geragos, what that means because I  
5 don't recall when you go into the 10th floor that  
6 they have numbers on the doors, but --  
7 Q. Okay.  
8 A. -- I'm not all that attentive.  
9 Q. Now, this is a registration statement  
10 for the Caspian Group and the foreign principal is  
11 the Republic of Turkey with a principal address at  
12 the Embassy of Turkey; isn't that correct?  
13 A. I'm sure the record speaks for itself.  
14 I don't have any -- there's no reason that I think  
15 it would be inaccurate, but --  
16 Q. Okay. Does this appear to you that  
17 this document was filed in March of this year,  
18 that the Caspian Group was listed as a foreign  
19 agent in March of this year doing business in the  
20 same building where you are?  
21 A. Well, the date is -- looks to me like  
22 it's March 7th of 2009.  
23 Q. All right.  
24 A. And if this is accurate, yes.

1 Q. Okay. And do you see who the contact  
2 information is on here? Would that be the  
3 ambassador of Turkey, Senior -- you can -- the  
4 name that's spelled out on there?  
5 MR. BREY: I would object. The  
6 document speaks for itself, and he's already  
7 stated he's never seen it before, he doesn't know  
8 anything about it.  
9 A. Yeah.  
10 Q. And have you heard of the Caspian  
11 Group?  
12 A. No.  
13 Q. Never heard of them?  
14 A. Until today, no.  
15 Q. Okay. And so the first time that you  
16 are aware that there's a foreign agent  
17 registration form for the government of Turkey  
18 located in the same building as you as of March of  
19 this year, this is the first time you knew that?  
20 A. Yes.  
21 Q. Okay. And can you tell me the  
22 activities that you do on behalf of the Turkish  
23 council of American --  
24 A. Coalition. I think it's coalition.

1 Q. Coalition. Okay. TCA?

2 A. Uh-huh.

3 Q. Would those include the fact that  
4 you've written articles? Is that one of the  
5 things you do as a scholar, a resident scholar?

6 A. Yes.

7 Q. Okay. Would you say that lobbying  
8 members of Congress is one of the things that you  
9 do in your role at TCA?

10 A. No.

11 Q. Okay. How about speak with staff and  
12 members of Congress and the Executive Branch; is  
13 that something you do in your role?

14 A. No.

15 Q. Okay. And have you done that? Have  
16 you spoken with members of Congress regarding  
17 Turkish-related issues?

18 A. No.

19 Q. How about Armenian Genocide Resolution  
20 issues?

21 A. No.

22 Q. And how about the drafting of articles  
23 to influence public opinion in regards to Turkey,  
24 have you done that?

1 A. Other than what's been published,  
2 Mr. Geragos, I -- and when I answered yes, I mean  
3 I wrote -- I remember I wrote something for the  
4 San Francisco Chronicle about the resolution issue  
5 when Nancy Pelosi -- I don't know whether she had  
6 made up her mind to take it to the Floor or not,  
7 but to the extent that people read columns and  
8 believe them, I guess you can influence a lot of  
9 people. But my understanding of how the Act works  
10 is that -- those kind of publications that you are  
11 writing for TCA --

12 Q. Is it your --

13 A. -- is not --

14 Q. Okay.

15 A. -- is not registered -- does not make  
16 you a registered agent for the --

17 Q. Well --

18 A. -- foreign government.

19 Q. Do you give speeches -- you've given  
20 speech on the resolution; is that correct?

21 A. I don't know whether I've given speech  
22 on the resolution. There have been times I've  
23 spoken to college students about the issue and how  
24 I evaluate the evidence one way or the other. I

1 don't know whether the specific resolution -- I  
2 don't know how H Resolution 106 or whatever comes  
3 up.

4 Q. Okay. And you've given -- you've  
5 drafted press releases. You drafted this one that  
6 we marked earlier.

7 A. I don't believe -- I don't believe,  
8 sir, I drafted that press release. I may have  
9 provided the body of it, but I certainly wasn't  
10 the one who put the headlines in or posted it or  
11 anything like that.

12 Q. Okay. You've already testified that  
13 you did the first draft; isn't that correct?

14 A. Of the substance, but you know a press  
15 release has many other elements to it.

16 Q. So you admit to at least giving  
17 speeches to college students, doing the first  
18 draft of what I will characterize as a press  
19 release or a website posting, you've written a  
20 newspaper column at least for the San Francisco  
21 Chronicle; is that -- those are accurate?

22 A. Yes.

23 Q. Okay. Have you given broadcast  
24 interviews?

1 MR. BREY: On any topic?

2 Q. No, on this specific topic, on either  
3 the Armenian resolution or passage?

4 A. I don't recall doing that, no.

5 Q. Have you posted at least three times on  
6 the Huffington Post articles regarding the  
7 Armenian resolution, genocide?

8 A. I know that there was -- I don't know  
9 whether I would call them entire on the  
10 resolution. Sometimes the resolution is made  
11 reference to in conjunction with other elements of  
12 Turkish-Armenian relations. But if they're on  
13 Huffington Post, whether it's three as opposed to  
14 two, I know I've written for the Huffington Post  
15 on this issue.

16 Q. And you have never registered as a  
17 foreign agent for Turkey; is that correct?

18 A. Yes.

19 Q. And all of the items that I have just  
20 listed are the same types of things that you have  
21 registered for for other foreign governments;  
22 isn't that correct?

23 A. That is correct. If you --

24 Q. Okay.

1 A. If you're getting paid by a foreign  
2 government, there are things that are required to  
3 be registered that you don't register for if it's  
4 just private entities.

5 Q. And if the private entity is being  
6 funded by a foreign government, then you would  
7 feel compelled to register as a foreign agent?

8 A. If there is a relationship -- as you  
9 well know what the Foreign Agents Registration Act  
10 states, that if you are representing or an agent  
11 of a foreign government or foreign political  
12 party, then you have to register. And if that was  
13 the nature of the relationship, that this was an  
14 arm of the foreign government and form -- I mean,  
15 substance triumphs over form, you would be  
16 required to register.

17 Q. Okay. Have you met with DLA Piper?

18 A. No.

19 Q. Okay. And you --

20 A. I think DLA Piper is my opponent in an  
21 antitrust suit I have against Dwayne Wade. I have  
22 met with them to discuss that antitrust suit.

23 Q. But nothing regarding Turkish issues or  
24 Armenian Genocide resolution issues?

1 A. No.

2 Q. And the specifics of your retention in  
3 this case prior to the November 2nd election, did  
4 you meet with Jean Schmidt?

5 A. I did not even know who Jean Schmidt  
6 was until after the election.

7 Q. When did it first come to your  
8 attention?

9 A. When Lincoln McCurdy suggested, because  
10 he's the one who was most aware of how the  
11 campaigns were unfolding with regard to several  
12 members -- I think I mentioned those earlier,  
13 Mr. Wexler, Mr. Cohen, Jean Schmidt, and he  
14 mentioned that Jean had been subject to I -- my  
15 verb -- I mean, my term was verbal thuggery and  
16 suggested and asked could I make an arrangement to  
17 go up and visit with her. And that's how it came  
18 to my attention. That's first time I ever even  
19 knew who Jean Schmidt was.

20 Q. Well, do you remember the day of the  
21 election?

22 A. I think it was November 4th.

23 Q. You think it was November 4th?

24 A. And I think that Lincoln was very

1 aroused because of what Mr. David Krikorian had  
2 posted in part because he was accusing TCA really  
3 and Lincoln McCurdy of committing a crime, a  
4 felony in fact, that could send him to prison,  
5 namely that he was a conduit for the government of  
6 Turkey and funneling money illegally into Jean  
7 Schmidt's campaign, and that caused him a great  
8 deal of consternation of having been accused of  
9 committing a crime.

10 Q. All right. You didn't sue  
11 Mr. Krikorian, though, did you?

12 A. Myself?

13 Q. Yes.

14 A. Not at present.

15 Q. Okay. And you said the election you  
16 thought was November 4th?

17 A. It was Tuesday, but I -- that's my best  
18 recollection, but it could be wrong. I don't know  
19 what the -- my -- my recollection was that  
20 Mr. Krikorian had issued his letter on Sunday or  
21 the second and then the election was two days  
22 later, but sometimes the first Tuesday in  
23 November is on a different day than the fourth.

24 Q. Okay. Now, the -- did you immediately

1 meet with Congresswoman Schmidt that same day?

2 A. No. I think that I didn't meet her  
3 face to face until a while thereafter.

4 Q. Okay. Well, then when you drafted the  
5 body of this, had you met with Congresswoman  
6 Schmidt?

7 A. No. And the references I made were  
8 based upon what Lincoln McCurdy -- my recollection  
9 of what he told me about Jean Schmidt.

10 Q. About what he told you about Jean  
11 Schmidt?

12 A. Yes. And I may have misinterpreted,  
13 but that was a foundation. If you want to know  
14 the foundations of my contribution to that release  
15 and what it says about Jean Schmidt, it's from  
16 speaking to Lincoln McCurdy.

17 Q. Okay. And specifically the date upon  
18 which this was issued which was November 4th, and  
19 I just checked and I -- I hope --

20 A. That is right.

21 Q. -- my representation that that's the  
22 day of the election.

23 A. Yes. And I know that there was a great  
24 amount of fury to having been accused of

1 committing federal felonies which was literally  
2 shocking to Mr. McCurdy the same day. And there  
3 was a very great rush to get something out  
4 immediately, because when you leave unanswered  
5 accusations of crime, you can get a stigma pretty  
6 fast.

7 Q. Had you specifically -- you put this  
8 out and you did not represent her at that point;  
9 is that correct?

10 A. Correct.

11 Q. Okay. So you started issuing these --  
12 this press release and this call for a criminal  
13 investigation and the complaint before you  
14 represented Jean Schmidt; is that right?

15 A. That is right, just because we thought  
16 it was so outrageous. And what we learned, I  
17 didn't know how the Ohio system worked, the  
18 attorney general in Ohio doesn't have jurisdiction  
19 over the actual prosecutions of the case, and in  
20 fact I called I believe the county prosecutor for  
21 Hamilton County -- I forget which one -- and had a  
22 communication forwarded to him.

23 Q. Okay.

24 A. And this was before I represented Jean

1 Schmidt.

2 Q. Right. How long after you issued this  
3 press release -- and did you file a complaint the  
4 same day, on November 4th, the same day?

5 A. If it wasn't the same day, it was the  
6 day after when we had -- we had actually written  
7 to the Ohio attorney general, and I -- maybe we  
8 put copies to the county prosecutors. I didn't  
9 know how the system worked out here as to  
10 jurisdictional separation between the two.

11 Q. And that was before you represented  
12 her; is that correct?

13 A. That is correct.

14 Q. And you specifically -- did you contact  
15 her or did you contact her chief of staff?

16 A. My recollection is I contacted or had  
17 the secretary contact the scheduling -- most  
18 members of Congress have a scheduling person who  
19 looks at the schedule and then arranges a time to  
20 meet. And I think I called up to her scheduler  
21 and tried to get on her calendar.

22 Q. Okay. And that was after -- getting on  
23 her calendar, meeting with her was after you had  
24 filed the formal complaint; is that correct?

1 A. With -- the complaint with the  
2 prosecutors, yes.

3 Q. And was that the same complaint that --  
4 whether the counts have been dismissed, but the  
5 same complaint that we marked before I believe as  
6 Exhibit A -- I'm sorry, it wasn't Exhibit A. The  
7 same complaint that I had showed you before -- I  
8 don't know if I marked this one. And did you at  
9 that time when you filed the complaint, had you  
10 drafted a declaration for Jean Schmidt?

11 A. No.

12 Q. Okay. And did you represent to the  
13 Elections Commission that you represented Jean  
14 Schmidt?

15 A. No.

16 Q. And did you --

17 A. Excuse me. I -- you may have misspoke.  
18 I wasn't communicating with the Elections  
19 Commission at this point. These were just persons  
20 who had authority to prosecute crimes. Because  
21 Ohio I think is a little bit unique. There it's  
22 in the Criminal Code that can be enforced by  
23 prosecutors. The Ohio Election Commission is a --  
24 is a sister organization that handles cases in a

1 different setting. So I hadn't communicated  
2 anything at that point to the Ohio Elections  
3 Commission.

4 Q. Okay. So prior to representing her,  
5 you had -- if I understand correctly, had filed a  
6 complaint with the attorney general; is that  
7 correct?

8 A. Of Ohio. That is right.

9 Q. Of Ohio. And then the county  
10 prosecutor?

11 A. I think there was one or forwarded --  
12 I'm not sure whether I just forwarded it, because  
13 the attorney general wrote back and said we don't  
14 handle these kinds of prosecutions, you need to  
15 send it to a county prosecutor.

16 Q. Okay. Have you produced a copy of that  
17 letter that the attorney general wrote back to  
18 you?

19 A. No.

20 Q. And you didn't bring it with you here  
21 today?

22 A. I didn't know that that I was asked to.  
23 MR. BREY: Never been asked, never been  
24 submitted.

1 Q. And do you have a -- do you have a copy  
2 of the original complaint that you filed with the  
3 attorney general?

4 A. I will go search it if that's what I'm  
5 required to do.

6 MR. BREY: You're not required to do  
7 that.

8 MR. GERAGOS: Well, I appreciate, you  
9 know -- I understand your role here, but giving  
10 him advice while we're on the record when I'm  
11 asking him a question I think is outside of your  
12 role.

13 A. Do I have the original?

14 MR. BREY: Well, in this case I would  
15 object.

16 A. I just don't know. It was probably  
17 over about a year ago. I guess I don't know.

18 Q. Okay. Now, when you filed that  
19 complaint, did you represent in any way that you  
20 -- that you had -- you were doing this on behalf  
21 of Jean Schmidt?

22 A. No.

23 Q. Okay. Who did you say you were filing  
24 the complaint on behalf of?

1 A. TAL -- Turkish American Legal Defense  
2 Fund.

3 Q. Okay. And they were the aggrieved  
4 party?

5 A. Well, the TCA was accused of a crime by  
6 Mr. David Krikorian, an egregious crime, taking  
7 money from a foreign government, also using that  
8 money as a quid pro quo to bribe Jean Schmidt. So  
9 they had been -- TCA had been accused of two  
10 felonies: Felony one is bribery, felony two is  
11 taking money from a foreign government. So I  
12 think that qualifies them for being an aggrieved  
13 party.

14 Q. Okay. Where did he accuse TCA? Where  
15 is that?

16 A. The 30,000 -- the 30 -- I guess I need  
17 to see the exhibits if I --

18 Q. Sure. Which exhibit would you like to  
19 see?

20 A. How about the --

21 Q. All the originals are here.  
22 I don't think it's that one.

23 A. No. The -- this is -- I think there  
24 were the two exhibits, Mr. Geragos. One was a

1 letter that he had written on November 2nd, and  
2 the other was a flyer or something. That is where  
3 -- those were the bases for the statements and  
4 right in this pile, they're not there.

5 Q. Okay. And is it your memory that the  
6 Turkish Coalition of America was mentioned in this  
7 statement?

8 MR. BREY: I would object. This whole  
9 line --

10 A. The TCA --

11 MR. BREY: I would object. Please let  
12 me say my objection. I would object to this line  
13 of questioning as irrelevant.

14 Q. Okay. Would you -- is this the flyer  
15 that you're talking about?

16 A. That's -- that's one of the flyers,  
17 yes.

18 Q. Okay. Let's mark that as Exhibit I.  
19 It's a two page document. I don't know if it was  
20 originally two pages. It may be because of the  
21 fax that it was two.

22 Now, is there anywhere in that two-page  
23 flyer that you see mentioned the Turkish Coalition  
24 of America?

1 -----  
2 Thereupon, Defendant's Exhibits I and J  
3 are marked for purposes of identification.

4 -----

5 A. No.

6 Q. Okay. So it wasn't this document that  
7 accused -- that has any felonies that are the  
8 Turkish Coalition of America being accused of,  
9 correct?

10 A. I think that -- let me -- I think my  
11 recollection was flawed at the outset. What the  
12 allegation was --

13 Q. Just so the record is clear, which  
14 recollection was flawed at the outset?

15 A. That mentioned TCA. I think what the  
16 allegation was in the -- the letter was that the  
17 TCA USA PAC was a government-sponsored PAC and had  
18 given the money in exchange for the resolution.  
19 And this was something -- the concern that was  
20 present at TCA was that those who would exercise  
21 their first amendment rights to participate in the  
22 political campaigns would routinely be accused of  
23 criminal activity, it would chill expression in  
24 general, and TALDF was formed in part to do things

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1 that would try to eliminate that intimidation,  
2 harassment factor.

3 Q. Okay. And -- I'm sorry. Were you not  
4 finished? Because the question I wanted to ask  
5 you, we looked at Exhibit I --

6 A. Yeah.

7 Q. There's no accusation about --

8 A. Now, I need to restate my answer. My  
9 answer is no.

10 Q. To which question?

11 A. The question was whether or not the  
12 flyers mentioned TCA.

13 Q. Okay.

14 A. And it's not -- I -- now my  
15 recollection is it just mentioned the TCA USA PAC.

16 Q. Okay. Well, that is -- the TCA USA PAC  
17 is not in Exhibit I; is that correct?

18 A. That is correct.

19 Q. Okay.

20 A. That could only be induced by the other  
21 things, but go ahead.

22 Q. Okay. And then is this the other  
23 letter that you're talking about?

24 A. Yes.

1 Q. Okay. Can you tell me, is the TCA PAC  
2 mentioned by name in that letter?

3 A. I think that when you --

4 Q. I just asked a question simple. Is the  
5 TCA PAC mentioned in this letter where you say  
6 that you were accused of crimes? Is there  
7 anywhere mentioned in there the Turkish Coalition  
8 of America?

9 A. Indirectly, yes --

10 Q. Yeah. I just --

11 A. -- but directly, no.

12 Q. So the complaint that you filed, did  
13 you misspeak when you said it was because the  
14 Turkish Coalition of America was mentioned?

15 A. Yes, I did. And that's what I was  
16 trying to explain. It was the fact that we  
17 perceived this effort to intimidate and harass and  
18 make baseless accusations or innuendos --

19 Q. I don't want to interrupt, but I'm  
20 going to object that it's nonresponsive. I just  
21 asked you if you misspoke.

22 A. Yes.

23 Q. Okay. Now, the Turkish Coalition of  
24 America as far as you know was never mentioned by

1 Mr. Krikorian; isn't that true?  
2 A. Yes.  
3 Q. Okay. And Mr. Krikorian never  
4 mentioned the -- what's the name of the other  
5 group, the Turkish American Legal Defense Fund,  
6 TALDF?  
7 A. TALDF.  
8 Q. He never mentioned them by name,  
9 correct?  
10 A. That is correct.  
11 Q. Okay. Yet you still filed or requested  
12 a criminal complaint be filed against him prior to  
13 you representing Jean Schmidt but on behalf -- you  
14 were doing that on the basis of TALDF and on the  
15 Turkish Coalition of America, correct?  
16 A. On the -- I was writing as TALDF's  
17 lawyer.  
18 Q. And your client --  
19 A. We didn't have a client at that --  
20 Q. -- at that period --  
21 A. I did not have a client at that point.  
22 Q. Okay. So you had no client. And did  
23 you write on the TALDF letterhead this complaint?  
24 A. I represented that I -- we were in the

1 -- that was early on, I think, and whether we were  
2 in the process of developing letterhead, I'm not  
3 certain.  
4 Q. Okay. Now, the -- did you also  
5 represent to anyone that you represented -- you or  
6 TALDF represented Congresswoman Schmidt at that  
7 point?  
8 A. No.  
9 Q. All right. Did you -- the letter that  
10 you sent to the attorney general, was that on the  
11 same day or prior to issuing the press release?  
12 Same day? Prior to? After?  
13 A. It could have been the same day. It  
14 was contemporan -- the time frame was very close.  
15 Q. Okay. And the -- anywhere in here did  
16 you mention in this draft of this that you had  
17 filed this on behalf of the Turkish Coalition of  
18 America, you had filed the complaint on their  
19 behalf?  
20 A. Did I mention that in that document  
21 there?  
22 Q. Right. In the press release that I --  
23 I apologize, I forget exhibit number. Do you have  
24 it right there?

1 A. No, this does not say that we're  
2 representing Jean Schmidt.

3 Q. Okay. And you then waited until April  
4 to file -- April 29th, I believe, to file the  
5 complaint with the Ohio Elections Commission; is  
6 that correct?

7 A. I think the document speaks for itself.  
8 There was a protracted period where all of this  
9 was under review in the House. And I will say  
10 based upon what I was told, the House Ethics  
11 Committee, we could not and would not move forward  
12 until we had clearance.

13 Q. So it's your position or your  
14 understanding I should say that you couldn't do  
15 anything more because the Turkish American Legal  
16 Defense Fund had no standing at that point? Was  
17 that --

18 MR. BREY: I would object.

19 A. No. The --

20 MR. BREY: I would object.

21 A. Sorry.

22 MR. BREY: You're asking for his legal  
23 judgments about why he did certain things on  
24 behalf of one or both of two clients, and I just

1 think that's protected. I don't think that's a  
2 proper question.

3 MR. GERAGOS: Okay. I appreciate that.

4 Q. The -- did you -- you were rejected  
5 both by the attorney general and by the district  
6 attorney, county prosecutor?

7 A. The attorney general said they had no  
8 jurisdiction over the matter. The county  
9 prosecutor was unresponsive.

10 Q. Okay. And so then you needed to find a  
11 client; is that correct?

12 A. No. I'm not sure what -- if your  
13 question insinuates that we were searching to find  
14 a client and drum up one, that's not accurate.  
15 No.

16 Q. Well, that's exactly what happened,  
17 isn't it?

18 A. That we went out and were drumming up  
19 clients?

20 Q. Well, you called the scheduler, didn't  
21 you, and you set up a --

22 A. Lincoln McCurdy asked me to make a call  
23 to meet.

24 Q. Right. And that would be solicitation,

1 would it not, of a client?

2 A. Have you filed a claim of barratry  
3 against me?

4 Q. Of champerty and maintenance, no, I  
5 haven't, but --

6 A. Why not?

7 Q. I don't know. Maybe I'll wait and you  
8 can wait and see as --

9 A. It's a long time after the fact.

10 Q. Well, actually, this is the first time  
11 you've been under the deposition that we have  
12 become aware of this, so I believe the statute of  
13 limitations would start running now. So --

14 A. Okay.

15 Q. -- I would ask you to stay tuned.  
16 Because I believe you have already testified you  
17 called up the scheduler in order to get her as a  
18 client; isn't that correct?

19 A. No. The fact is Lincoln McCurdy had  
20 requested that I do that and maybe because she had  
21 voiced an interest.

22 Q. Do you know that?

23 A. Because she had been accused -- no, I  
24 don't know that for certain.

1 Q. So I'm asking --

2 A. She had been accused of a crime, and  
3 it's not unusual for people --

4 Q. Did she call you?

5 A. -- being accused of a crime. No, she  
6 did not call me.

7 Q. Okay. And did she or did any -- as far  
8 as you know did her chief of staff call your  
9 office and say, hey, we need the Turkish American  
10 Legal Defense Fund to help us?

11 A. No.

12 MR. BREY: I would object.

13 A. Sorry.

14 MR. BREY: I would object to this  
15 entire line of questions. It's improper --

16 MR. GERAGOS: I would too if I were you  
17 because it's outrageous what he's done here.

18 MR. BREY: Just a second --

19 MR. GERAGOS: Or what he's just  
20 admitted to under oath.

21 MR. BREY: Just a second, you  
22 interrupted me a again.

23 MR. GERAGOS: No, I'm not interrupting  
24 you.

1 MR. BREY: You interrupted me again.  
2 You interrupted me.

3 MR. GERAGOS: I'm joining in your  
4 objection. It is outrageous. I agree with you.  
5 It's outrageous that --

6 MR. BREY: You interrupted me.

7 MR. GERAGOS: -- they're shopping for a  
8 client.

9 MR. BREY: You interrupt me all the  
10 time and you interrupt him. You are not allowed  
11 to interrupt counsel.

12 MR. GERAGOS: Counsel, you can  
13 interrupt any time you want.

14 MR. BREY: I don't interrupt you. You  
15 interrupted. Then I will interrupt any time I  
16 want you, and I will completely try to say what I  
17 want to say until I have an opportunity to do.

18 MR. GERAGOS: You are supposedly  
19 representing --

20 MR. BREY: You are supposedly showing  
21 common courtesy to opposing counsel.

22 MR. GERAGOS: -- Congresswoman Schmidt  
23 as counsel.

24 MR. BREY: You are supposed to show

1 courtesy to opposing counsel.

2 MR. GERAGOS: I'm not showing you  
3 discourteous.

4 MR. BREY: Yes, you are. You are  
5 showing me discourtesy all the time.

6 MR. GERAGOS: I'm in here in your  
7 office --

8 MR. BREY: Because you want to talk and  
9 you don't want me to talk, and that's not  
10 legitimate.

11 MR. GERAGOS: I don't care if you talk.

12 MR. BREY: Then why did you interrupt  
13 me when I try to talk?

14 MR. GERAGOS: You haven't made an  
15 objection; you just talk.

16 MR. BREY: I make an objection --

17 MR. GERAGOS: Make an objection, state  
18 the grounds.

19 MR. BREY: And I will interrupt you  
20 until you let me state --

21 MR. GERAGOS: What's the grounds?

22 MR. BREY: -- my grounds.

23 MR. GERAGOS: State it.

24 MR. BREY: I will state it if you let

1 me talk without interrupting as you repeatedly do.  
2 I object to this entire questioning -- by the way,  
3 this is a common tactic that you do. It's  
4 improper. It's an unethical tactic --

5 MR. GERAGOS: You can say whatever you  
6 want.

7 MR. BREY: -- for you to --

8 MR. GERAGOS: Just state your  
9 objection.

10 MR. BREY: It is an unethical tactic  
11 for you to interrupt me when I'm making an  
12 objection.

13 MR. GERAGOS: It's unethical to solicit  
14 clients.

15 MR. BREY: It's unethical for you to  
16 accuse him of --

17 MR. GERAGOS: He just said it.

18 MR. BREY: He didn't say that at all.

19 Q. Mr. Fein --

20 MR. BREY: You said it several times.

21 Q. -- you were the one who called Jean  
22 Schmidt at --

23 A. My understanding --

24 MR. BREY: Objection.

1 A. Sorry, sir.

2 MR. BREY: Objection. He's miss --  
3 you're misstating the -- the record in terms of  
4 the solicitation. This has nothing to do with  
5 this case, and I instruct the witness not to  
6 answer communications he had in terms of  
7 developing the attorney/client relationship with  
8 Jean Schmidt which is also privileged, and the  
9 privilege belongs to her, not to him.

10 Q. Well, you didn't have a communication  
11 with Jean Schmidt when you called her; isn't that  
12 correct?

13 MR. BREY: Objection. Relevancy.

14 Q. You made the first contact with her;  
15 isn't that correct?

16 MR. BREY: Objection. That's not his  
17 testimony. His testimony was --

18 A. My testimony is not that whatsoever.  
19 It has not that whatsoever. My testimony was that  
20 to my understanding there had been communications  
21 between Jean and Lincoln McCurdy.

22 Q. You just testified --

23 A. Could you let me finish my --

24 Q. -- that you didn't know that.

1 A. -- question?  
2 Q. You just testified you didn't know  
3 that.  
4 A. I said my understanding. Now --  
5 Q. From who?  
6 A. -- did I take under oath -- from  
7 Lincoln McCurdy.  
8 Q. He told you that?  
9 A. He indicated, yes.  
10 Q. That he had talked to Congresswoman  
11 Schmidt?  
12 A. Yes.  
13 Q. And that she had called him and said  
14 she wanted --  
15 A. I don't know --  
16 Q. -- to tell --  
17 A. -- whether those were the particular  
18 words, but he would indicate that was the reason,  
19 that I was not shopping and soliciting from a  
20 disinterested client whatsoever. And any  
21 insinuation of the contrary is wrong.  
22 Q. Isn't that what you just testified to  
23 before your lawyer objected?  
24 A. No.

1 Q. Isn't that -- didn't you just say on  
2 the record that you called her up and called the  
3 scheduling clerk and you had no information about  
4 Lincoln McCurdy; isn't that what you testified to?  
5 MR. BREY: That's not what was  
6 testified --  
7 A. No, that's not what I testified.  
8 Q. The record is what it is, and you're  
9 saying now that's not what you said.  
10 A. I did not say that.  
11 MR. BREY: I would object.  
12 Q. Okay.  
13 MR. BREY: You're mischaracterizing the  
14 record. You misrepresented --  
15 MR. GERAGOS: The record is what it is.  
16 That isn't an objection.  
17 MR. BREY: It is an objection when you  
18 are telling him certain things that are false.  
19 MR. GERAGOS: This would be about the  
20 fifth time that he's either misspoke, clarified or  
21 claimed that he's wrong before.  
22 Q. I'm asking you: Did you ever speak to  
23 Congresswoman Schmidt prior to you contacting her  
24 scheduler?

1 A. No.

2 Q. And when you contacted the scheduler,

3 did you tell the scheduler that you wanted to meet

4 with Congresswoman Schmidt?

5 A. The background as I'll give -- to give

6 the full answer, I was informed by Lincoln McCurdy

7 that Jean Schmidt was interested in talking about

8 this issue because she was furious at having been

9 accused of committing multiple felonies by

10 Mr. David Krikorian. Based upon that information

11 and his request, I called Jean Schmidt's office

12 and her scheduler. I did not initiate it without

13 a prior indication that she was interested in

14 talking. That is how the communication and the

15 contact unfolded.

16 Q. Didn't you previously testify about

17 eight minutes ago that you didn't know whether

18 Lincoln McCurdy had a conversation with her?

19 A. I did not testify to that, no, sir.

20 Q. Okay. And it is now your testimony

21 that you did have a conversation with Lincoln

22 McCurdy; is that correct?

23 A. My testimony all along is Lincoln

24 McCurdy is the one who suggested that I call Jean

1 Schmidt, yes, sir.

2 Q. Okay. And he suggested -- and your

3 testimony is he suggested that because she told

4 him that she wanted you to call?

5 A. Whether he owed that particular

6 phraseology, I don't know. But he would -- he was

7 the one who indicated that she had an interest and

8 I should communicate that.

9 Q. Okay. Let's take about a five-minute

10 break.

11 MR. BREY: Okay.

12 (A short recess is taken.)

13 (Mr. Geragos and Glandian exit

14 deposition.)

15 A. Back on the record. Yes, I just wanted

16 to elaborate on a response to an earlier question

17 from Mr. Geragos about Jean's position, genocide

18 interpreting what was on this Turkish American

19 Legal Defense Fund posting on the Internet site of

20 TCA, Turkish Coalition of America, and I was

21 explaining what had transpired in my deposition.

22 I didn't remember the gentleman's name earlier on

23 in this proceeding. I now have before me, it's

24 the deposition of Palmer C. Reising,

DKSub\_0212  
11-6574\_0384

1 R-E-I-S-I-N-G, that was taken on July 10th, 2009.

2 I believe this was in your office, Mr. Finney.

3 And on the -- one of the issues raised was his

4 position in Mr. Krikorian's campaign. And he

5 answers on page 14, I asked: "Did you have a

6 title?" And the answer was: "I think my official

7 title is campaign director." And then -- so as

8 campaign director, I then asked him about his

9 understanding of the Genocide issue. And this is

10 on page 57 of the deposition, and his answer is as

11 follows: "Well, in addition, I was not familiar

12 with the issues surrounding what is referred to by

13 some as the genocide. I'm not familiar with the

14 issues, and I have not researched it enough to

15 take a position one way or another on it."

16 And I just wanted to add that to my --

17 - - - - -

18 Thereupon, Defendant's Exhibit K is marked

19 for purposes of identification.

20 - - - - -

21 MR. BREY: Can we go ahead and mark

22 that whatever the next --

23 MR. FINNEY: Is that in response to

24 some question you're asking, because it's not in

1 response to a question that Mr. Geragos was  
2 asking.

3 THE WITNESS: It was an answer --

4 MR. BREY: Chris Finney has raised a  
5 correct point. Is there anything you wish to add  
6 to the record, and would your answer be anything  
7 different than the -- what you've just presented  
8 to him?

9 THE WITNESS: No.

10 MR. BREY: Okay.

11 THE WITNESS: Did this need to be  
12 marked as an exhibit?

13 MR. BREY: Let's go ahead and mark  
14 that.

15 MR. FINNEY: Is this the entire  
16 deposition?

17 THE WITNESS: No. We just excerpted  
18 that. We can bring the entire deposition in if  
19 you want.

20 MR. FINNEY: I would object on that  
21 basis that this is not the entire deposition.

22 MR. BREY: Okay. And you can ask any  
23 follow-up about that.

24 MR. FINNEY: I have no follow-up

1 questions.

2 THE REPORTER: Is he reserving his  
3 right to read this, or is he waiving his right?

4 MR. BREY: Yes, he is.

5 - - - - -

6 Thereupon, the foregoing proceedings  
7 concluded at 3:11 p.m.

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1 State of Ohio : C E R T I F I C A T E

2 County of Franklin: SS

3 I, Stacy M. Upp, a Notary Public in and for the  
4 State of Ohio, do hereby certify the within named  
5 Bruce Fein was by me first duly sworn to testify to  
6 the whole truth in the cause aforesaid; testimony  
7 then given was by me reduced to stenotypy in the  
8 presence of said witness, afterwards transcribed by  
9 me; the foregoing is a true record of the testimony  
10 so given; and this deposition was taken at the time  
11 and place as specified on the title page.

12 I do further certify I am not a relative,  
13 employee or attorney of any of the parties hereto,  
14 and further I am not a relative or employee of any  
15 attorney or counsel employed by the parties hereto,  
16 or financially interested in the action.

17 IN WITNESS WHEREOF, I have hereunto set my hand  
18 and affixed my seal of office at Columbus, Ohio, on  
19 \_\_\_\_\_, 2009.

20 \_\_\_\_\_  
21 Stacy M. Upp, Notary Public - State of Ohio

22 My commission expires August 6, 2011.  
23  
24

DKSub\_0214  
11-6574\_0386

MINNESOTA STATE AND HIGHWAYS SPEED  
SECURITY REPORTING ACT  
CORRECTION OF CHANGE REPORT

333 33rd Street Avenue

1 - Minneapolis 2 - Rose

3 - Saint Paul 4 -

5 - Other Correction (Please

Specify)

6 - Other

7 - Other

8 - Other

9 - Other

10 - Other

11 - Other

12 - Other

13 - Other

14 - Other

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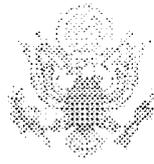
331 - Other

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# **EXHIBIT 24**



Jean Schmidt  
2nd District of Ohio

410 Cannon House Office Building  
Washington, DC 20515  
202-225-3194

Congress of the United States  
House of Representatives

Committee on Agriculture  
Subcommittee  
Banking, Finance, Insurance and  
Consumer Agriculture  
Department Operations, Oversight,  
Nutrition and Forestry  
Conservation, Grain, Energy, and  
Research

Committee on Transportation  
and Infrastructure  
Subcommittees  
Aviation  
Highways and Transit  
Maritime, Pipelines and  
Broadband Networks

July 19, 2010

The Honorable Zoe Lofgren  
Chair  
Committee on Standards of  
Official Conduct  
HT-2, The Capitol  
Washington, DC 20515

The Honorable Jo Bonner  
Ranking Republican Member  
Committee on Standards of  
Official Conduct  
HT-2, The Capitol  
Washington, DC 20515

Dear Chair Lofgren and Ranking Member Bonner:

I am writing to seek approval to establish the Jean Schmidt Legal Expense Trust pursuant to House Rule 25. The purpose of the proposed trust is to provide a proper means to accept transfers of money, property and services for the sole purpose of paying the legal costs that have been and will be incurred in connection with legal action directly related to my candidacy for federal office in 2008.

Enclosed, please find a draft trust agreement for your review. I have nominated Joseph J. Braun to act as Trustee. Mr. Braun is a Partner at the Strauss & Troy law firm in Cincinnati, Ohio. I have enclosed Mr. Braun's attorney profile as found on Strauss & Troy's website. In accordance with Committee rules, Joseph J. Braun has no family, business, or employment relationship with me.

Thank you in advance for your time and attention to this matter. I look forward to your response.

Sincerely,

Jean Schmidt  
Member of Congress

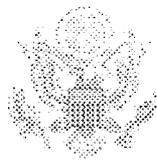
District Offices

1001 Montgomery Road  
Suite 110  
Cincinnati, Ohio 45240  
(513) 762-0700

801 Chillicothe Avenue  
Cincinnati, Ohio

jean@house.gov | schmidtj

# **EXHIBIT 25**



Jean Schmidt  
2nd District of Ohio

118 Cottage House Office Building  
Washington, DC 20515  
(202) 225-8103

Congress of the United States  
House of Representatives

Committee on Agriculture  
Subcommittees  
Food, Nutrition, Forestry and  
Rural Agriculture

Department Operations, Oversight,  
Staffing, and Finance  
Commodity, Credit, Energy, and  
Conservation

Committee on Transportation  
and Infrastructure

Subcommittees

Airports

Highways and Transit

Railroads, Pipelines and  
Hazardous Materials

August 11, 2010

The Honorable Zoe Lofgren  
Chair  
Committee on Standards of  
Official Conduct  
HT-2, The Capitol  
Washington, DC 20515

The Honorable Jo Bonner  
Ranking Republican Member  
Committee on Standards of  
Official Conduct  
HT-2, The Capitol  
Washington, DC 20515

Dear Chair Lofgren and Ranking Member Bonner:

I am writing to seek approval to establish the Jean Schmidt Legal Expense Trust pursuant to House Rule 25 and to seek the Committee's approval to enter into a contingency fee agreement in connection with a civil lawsuit related to the legal action for which the legal expense trust is being established. The purpose of the proposed trust is to provide a proper means to accept transfers of money, property and services for the sole purpose of paying the legal costs that have been and will be incurred in connection with legal action directly related to my candidacy for federal office in 2008.

Enclosed, please find a revised draft trust agreement for your review. This revised agreement incorporates the Committee's required alterations. Additionally, please note that I have nominated Mr. Larry Neuman to act as Trustee. This is a change from the original draft trust agreement. Mr. Neuman is Of Counsel at the Strauss & Troy law firm in Cincinnati, Ohio. I have enclosed Mr. Neuman's attorney profile as found on Strauss & Troy's website. He has requested that I clarify that this profile has not been updated to reflect that he is not a Partner at the firm and is not a member of the American Bar Association. In accordance with Committee rules, Larry A. Neuman has no family, business, or employment relationship with me.

As the Committee is aware, I have also filed a civil lawsuit related to the matter for which the proposed legal expense trust is being established. I am represented in this case by the same attorneys. They have proposed entering into a contingency fee agreement. Under this agreement, any award would first be used to pay legal expenses associated with the case with any remaining funds being divided on a 50/50 basis.

District Offices

9944 Mangrove Blvd  
Suite 170  
Cincinnati, Ohio 45226  
(513) 761-0033

401 Elmwood Street  
Cincinnati, Ohio

[www.house.gov/schmidt](http://www.house.gov/schmidt)

I would also like to make the Committee aware that my attorneys filed an Amicus Brief on my behalf when my opponent in the underlying legal action at issue here filed suit in federal court seeking to enjoin the Ohio Elections Commission (OEC) and its members from enforcing against him the statute upon which my original action was based. This was a clear attack against my legal victory before the OEC. His complaint is an obvious attempt to continue, unfettered, his campaign of false statements -- the same statements that the OEC found to be knowingly false -- against me. Because this action challenged the favorable ruling of the OEC, it was necessary to file the Amicus Brief on my behalf. I believe the legal expenses associated with filing the Amicus Brief arose in connection with my candidacy for federal office in 2008. Additionally, the issues involved in the case were matters bearing upon my reputation or fitness for office. Accordingly, I am requesting permission from the Committee to pay expenses associated with filing the Amicus Brief from the Jean Schmidt Legal Expense Trust.

Thank you in advance for your time and attention to this matter. I look forward to your response.

Sincerely,



Jean Schmidt  
Member of Congress

# **EXHIBIT 26**

**Jansen, Joe**

---

**From:** Jones, Heather  
**Sent:** Thursday, August 26, 2010 10:44 AM  
**To:** Jansen, Joe  
**Subject:** Information Request related to the Contingency Fee

Joe-

May we please get a copy of the proposed contingency fee agreement?

Thanks  
Heather

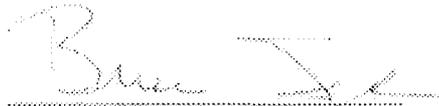
Heather Jones  
Counsel  
Committee on Standards of Official Conduct  
U.S. House of Representatives  
Washington, DC 20515  
Phone: (202) 225-7103

# **EXHIBIT 27**

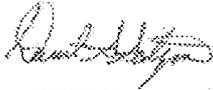
TURKISH  
AMERICAN  
LEGAL DEFENSE FUND

CONTINGENCY AGREEMENT

The Turkish American Legal Defense Fund (TALDF) agrees to represent Congresswoman Jean Schmidt to litigate a defamation complaint against David Krikorian in Ohio state courts. The court costs of the litigation will be assumed by Ms. Schmidt. The parties agree to divide 50-50 any damages recovered through final judgment, settlement, or otherwise substantially because of the defamation litigation, but only after costs have been first recovered by Ms. Schmidt. TALDF will not otherwise be compensated by the Congresswoman.



Bruce Fein  
Attorney, Turkish American Legal Defense Fund



David Saltzman  
Attorney, Turkish American Legal Defense Fund

Congresswoman Jean Schmidt

August 26, 2010

# **EXHIBIT 28**

**UNITED STATES HOUSE OF REPRESENTATIVES  
CALENDAR YEAR 2008 FINANCIAL DISCLOSURE STATEMENT**

Form A  
For use by Members, officers, and employees

MC MAY 13 2009  
LEGISLATIVE RESOURCE CENTER  
2009 MAY 20 AM 11:56  
OFFICE OF THE CLERK  
U.S. HOUSE OF REPRESENTATIVES

Name: REP. JEANNETTE H. SCHMIDT Daytime Telephone: 202-225-██████

Filer Status	<input checked="" type="checkbox"/> Member of the U.S. House of Representatives	State: OH	District: 02	<input type="checkbox"/> Officer or Employee	Employing Office:
Report Type	<input checked="" type="checkbox"/> Annual (May 15)	<input type="checkbox"/> Amendment	<input type="checkbox"/> Termination	Termination Date:	

**A \$200 penalty shall be assessed against anyone who files more than 30 days late.**

**PRELIMINARY INFORMATION — ANSWER EACH OF THESE QUESTIONS**

I. Did you or your spouse have "earned" income (e.g., salaries or fees) of \$200 or more from any source in the reporting period? If yes, complete and attach Schedule I.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	VI. Did you, your spouse, or a dependent child receive any reportable gift in the reporting period (i.e., aggregating more than \$335 and not otherwise exempt)? If yes, complete and attach Schedule VI.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
II. Did any individual or organization make a donation to charity in lieu of paying you for a speech, appearance, or article in the reporting period? If yes, complete and attach Schedule II.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	VII. Did you, your spouse, or a dependent child receive any reportable travel or reimbursements for travel in the reporting period (worth more than \$335 from one source)? If yes, complete and attach Schedule VII.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
III. Did you, your spouse, or a dependent child receive "unearned" income of more than \$200 in the reporting period or hold any reportable asset worth more than \$1,000 at the end of the period? If yes, complete and attach Schedule III.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	VIII. Did you hold any reportable positions on or before the date of filing in the current calendar year? If yes, complete and attach Schedule VIII.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
IV. Did you, your spouse, or a dependent child purchase, sell, or exchange any reportable asset in a transaction exceeding \$1,000 during the reporting period? If yes, complete and attach Schedule IV.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	IX. Did you have any reportable agreement or arrangement with an outside entity? If yes, complete and attach Schedule IX.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
V. Did you, your spouse, or a dependent child have any reportable liability (more than \$10,000) during the reporting period? If yes, complete and attach Schedule V.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<b>Each question in this part must be answered and the appropriate schedule attached for each "Yes" response.</b>	

**EXCLUSION OF SPOUSE, DEPENDENT, OR TRUST INFORMATION — ANSWER EACH OF THESE QUESTIONS**

<b>TRUSTS</b> —Details regarding "Qualified Blind Trusts" approved by the Committee on standards of Official Conduct and certain other "excepted trusts" need not be disclosed. Have you excluded from this report details of such a trust benefiting you, your spouse, or dependent child?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>EXEMPTION</b> —Have you excluded from this report any other assets, "unearned" income, transactions, or liabilities of a spouse or dependent child because they meet all three tests for exemption? Do not answer "yes" unless you have first consulted with the Committee on Standards of Official Conduct.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

11-6574\_0398



**SCHEDULE III—ASSETS AND “UNEARNED” INCOME**

Name REP JEANNETTE SCHMIDT

Page 2 of 9

BLOCK A Asset and/or Income Source		BLOCK B Value of Asset												BLOCK C Type of Income						BLOCK D Amount of Income											BLOCK E Transaction
Identify (a) each asset held for investment or production of income with a fair market value exceeding \$1,000 at the end of the reporting period, and (b) any other asset or sources of income which generated more than \$200 in “unearned” income during the year. For rental property or land, provide a complete address. Provide full names of stocks and mutual funds (do not use ticker symbols). For <i>all IRAs</i> and other retirement plans (such as 401(k) plans) that are self directed (i.e., plans in which you have the power, even if not exercised, to select the specific investments), provide the value and income information on <i>each asset</i> in the account that exceeds the reporting threshold. For retirement plans that are not self-directed, name the institution holding the account and its value at the end of the reporting period. For an active business that is not publicly traded, state the name of the business, the nature of its activities, and its geographic location in Block A. For additional information, see the instruction booklet.  Exclude: Your personal residence(s) (unless there is rental income); any debt owed to you by your spouse, or by you or your spouse's child, parent, or sibling; any deposits totalling \$5,000 or less in personal savings accounts; any financial interest in or income derived from U.S. Government retirement programs.  If you so choose, you may indicate that an asset or income source is that of your spouse (SP) or dependent child (DC) or is jointly held (JT), in the optional column on the far left.		Indicate value of asset at close of reporting year. If you use a valuation method other than fair market value, please specify the method used.  If an asset was sold during the reporting year and is included only because it generated income, the value should be “None.”												Check all columns that apply. For retirement plans or accounts that do not allow you to choose specific investments, you may write “NA.” For all other assets <i>including all IRAs</i> , indicate the type of income by checking the appropriate box below. <b>Dividends and interest, even if reinvested, should be listed as income.</b> Check “None” if asset did not generate any income during calendar year.						For retirement plans or accounts that do not allow you to choose specific investments, you may write “NA” for income. For all other assets, <i>including all IRAs</i> , indicate the category of income by checking the appropriate box below. <b>Dividends and interest, even if reinvested, should be listed as income.</b> Check “None” if no income was earned or generated.											Indicate if the asset had purchases (P), sales (S), or exchanges (E) exceeding \$1000 in reporting year.
		A	B	C	D	E	F	G	H	I	J	K	L	DIVIDENDS	RENT	INTEREST	CAPITAL GAINS	EXCEPTED/BLIND TRUST	Other Type of Income (Specify: For Example, Partnership Income or Farm Income)	I	II	III	IV	V	VI	VII	VIII	IX	X	XI	If only a portion of an asset is sold, please indicate as follows: (S) (partial) See below for example.  P S E
SP		SP	Mega Corp. Stock						X								X														S (partial)
DC	Examples:		Simon & Schuster						Indefinite								Royalties														
JT			1st Bank of Paducah, KY Accounts							X							X														
JT			SMITH BARNEY BANK DEPOSIT						X								X														P
JT			CITIZENSBANK (FROM SP'S STOCK PURCHASE PLAN)														X														S
JT			LEGG MASON OPPORTUNITY TR																												S
JT			LEGG MASON (COMMON)														X														S
			SMITH BARNEY BANK DEPOSIT						X								X														P
			LEGG MASON OPPORTUNITY TR																												S

For additional assets and unearned income, use next page.





United States House of Representatives  
Financial Disclosure Statement for Calendar Year 2008

Jeannette H. Schmidt

Listing of real estate assets held by various family partnerships and jointly with siblings. Jean Schmidt owns 25% of all of the partnerships listed below.

- (1) OT Realty Enterprises LLC  
Percentage owned: 25%  
Corner of Loveland Miamiville Rd & Branch Hill / Guinea Pike, Loveland, OH 45140  
Land leased to Walgreen Pharmacy  
Value of percentage owned - \$250,000 - \$500,000  
Net Income for percentage owned for 2008 - \$15,000 - \$50,000 (rent)
- (2) OT Realty Enterprises LLC II  
Percentage owned: 25%  
Corner of Loveland Miamiville Rd & Branch Hill / Guinea Pike, Loveland, OH 45140  
Land leased to Kroger  
Value of percentage owned - \$250,000 - \$500,000  
Net Income for percentage owned for 2008 - \$15,000 - \$50,000 (rent)
- (3) OT Realty Enterprises LLC III  
Percentage owned: 25%  
Corner of Loveland Miamiville Rd & Branch Hill / Guinea Pike, Loveland, OH 45140  
Land to be developed in the future  
Value of percentage owned - \$50,000 - \$100,000  
Net Income for percentage owned for 2008 – zero
- (4) Jennifer Black Et All  
Percentage owned: 25%  
Corner of Loveland Miamiville Rd & Branch Hill / Guinea Pike, Loveland, OH 45140  
Land adjacent to OT Realty Enterprises LLC II  
Value of percentage owned - \$50,000 - \$100,000  
Net Income for percentage owned for 2008 - \$1,000 - \$2,500 (rent)
- (5) Gus Hoffman Second Family Limited Partnership  
Percentage owned: 25%  
Corner of Loveland Miamiville Rd & Branch Hill / Guinea Pike, Loveland, OH 45140  
Farm Land  
Value of percentage owned - \$500,000 - \$1,000,000  
Net Income for percentage owned for 2008 - \$2,500 - \$5,000 (farm crops)

(6) RTJJ LLC

Percentage owned: 25%

Corner of Loveland Miamiville Rd & Branch Hill / Guinea Pike, Loveland, OH 45140  
Farm Land

Value of percentage owned - \$1,000,000 - \$5,000,000

Net Income for percentage owned for 2008 - \$2,500 - \$5,000 (farm crops)

(7) RTJJ LLC

Percentage owned: 25%

Moore Rd. & Bantam Rd., Clermont County OH  
Vacant property

Value of percentage owned - \$50,000 - \$100,000

Net income for percentage owned for 2008 – zero

(8) RTJJ LLC

Percentage owned: 25%

1232 SR 28, Milford, OH 45150

Commercial Rental Property

Value of percentage owned - \$50,000 - \$100,000

Net Income for percentage owned for 2008 - \$2,500 - \$5,000 (rent)

(9) RTJJ LLC

Percentage owned: 25%

1236 SR 28, Milford, OH 45150 (SR 28 & Floyd Place)

Residential Rental Property (3 small homes & vacant lots)

Value of percentage owned - \$100,000 - \$250,000

Net Income for percentage owned for 2008 - \$2,500 - \$5,000

(10) RTJJ LLC

Percentage owned: 25%

SR 132 & Judd Rd.

Vacant Land

Value of percentage owned: \$15,000 - \$50,000

Net Income for percentage owned for 2008 - zero

**SCHEDULE IV— TRANSACTIONS**

Report any purchase, sale, or exchange by you, your spouse, or dependent child during the reporting year of any real property, stocks, bonds, commodities futures, or other securities when the amount of the transaction exceeded \$1,000. Include transactions that resulted in a loss. Provide a brief description of any exchange transaction. Do not report a transaction between you, your spouse, or your dependent child, or the purchase or sale of your personal residence, unless it is rented out. If only a portion of an asset is sold, please so indicate (i.e., "partial sale"). See example below.		Type of Transaction			Date (MO/DAY/YR) or Quarterly, Monthly, or Bi-weekly, if applicable	Amount of Transaction										
		PURCHASE	SALE	EXCHANGE		B \$1,001- \$15,000	C \$15,001- \$50,000	D \$50,001- \$100,000	E \$100,001- \$250,000	F \$250,001- \$500,000	G \$500,001- \$1,000,000	H \$1,000,001- \$5,000,000	I \$5,000,001- \$25,000,000	J \$25,000,001- \$50,000,000	K Over \$50,000,000	
SP, DC, JT	Asset															
SP	Example: Mega Coporation Common Stock (partial sale)		X		10-12-08		X									
JT	SMITH BARNES BANK DEPOSIT	X			9-15-08	X										
JT	CITIGROUP COMMON STOCK		X		9-15-08	X										
JT	SMITH BARNES BANK DEPOSIT	X			6-3-08	X										
JT	LEGG MASON OPPORTUNITY FUND		X		6-3-08	X										
JT	LEGG MASON COMMON STOCK		X		3-28-08		X									
JT	SMITH BARNES BANK DEPOSIT	X			3-28-08		X									
	SMITH BARNES BANK DEPOSIT	X			11-19-08	X										
	LEGG MASON OPPORTUNITY TRUST		X		11-19-08	X										
SP	LEGG MASON 401 K															
	(401 K SOLD AND ROLLED OVER TO SP SMITH BARNES IRA)															
SP	- LEGG MASON VALUE TRUST		X		2-12-08			X								
SP	- LEGG MASON SPEC INV TRUST		X		2-12-08				X							
SP	- LEGG MASON OPPORTUNITY TRUST		X		2-12-08					X						
SP	- ROYCE PENNSYLVANIA FUND		X		2-12-08				X							

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**SCHEDULE IV— TRANSACTIONS**

Report any purchase, sale, or exchange by you, your spouse, or dependent child during the reporting year of any real property, stocks, bonds, commodities futures, or other securities when the amount of the transaction exceeded \$1,000. Include transactions that resulted in a loss. Provide a brief description of any exchange transaction. Do not report a transaction between you, your spouse, or your dependent child, or the purchase or sale of your personal residence, unless it is rented out. If only a portion of an asset is sold, please so indicate (i.e., "partial sale"). See example below.		Type of Transaction			Date (MO/DAY/YR) or Quarterly, Monthly, or Bi-weekly, if applicable	Amount of Transaction											
		PURCHASE	SALE	EXCHANGE		B \$1,001- \$15,000	C \$15,001- \$50,000	D \$50,001- \$100,000	E \$100,001- \$250,000	F \$250,001- \$500,000	G \$500,001- \$1,000,000	H \$1,000,001- \$5,000,000	I \$5,000,001- \$25,000,000	J \$25,000,001- \$50,000,000	K Over \$50,000,000		
SP, DC, JT	Asset																
SP	Example:	Mega Coporation Common Stock (partial sale)				X											
SP	SMITH BARNER IRA																
SP	- SMITH BARNER BANK DEPOSIT				X					X							
SP	- 1 SWAZES DJ SEL DIV FUND				X						X						
SP	- IVY ASSET STRATEGY FUND				X						X						
SP	- IVY ASSET STRATEGY FUND				X						X						
SP	- JANUS FORTY FUND				X						X						
SP	- LEGG MASON OPPORTUNITY TRUST				X						X						
SP	- LEGG MASON EMERGING MKTS TRUST				X						X						
SP	- "				X						X						
SP	- "				X						X						
SP	- "				X						X						
SP	- LEGG MASON VALUE TR				X						X						
SP	- "				X						X						
SP	- ROYCE VALUE FUND				X						X						
SP	- "				X						X						
SP	- "				X						X						

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**SCHEDULE IV— TRANSACTIONS**

Name REP JEAN SCHMIDT

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11-6574\_0407

Report any purchase, sale, or exchange by you, your spouse, or dependent child during the reporting year of any real property, stocks, bonds, commodities futures, or other securities when the amount of the transaction exceeded \$1,000. Include transactions that resulted in a loss. Provide a brief description of any exchange transaction. Do not report a transaction between you, your spouse, or your dependent child, or the purchase or sale of your personal residence, unless it is rented out. <b>If only a portion of an asset is sold, please so indicate (i.e., "partial sale").</b> See example below.			Type of Transaction			Date  (MO/DAY/YR) or Quarterly, Monthly, or Bi-weekly, if applicable	Amount of Transaction										
			PURCHASE	SALE	EXCHANGE		B \$1,001- \$15,000	C \$15,001- \$50,000	D \$50,001- \$100,000	E \$100,001- \$250,000	F \$250,001- \$500,000	G \$500,001- \$1,000,000	H \$1,000,001- \$5,000,000	I \$5,000,001- \$25,000,000	J \$25,000,001- \$50,000,000	K Over \$50,000,000	
SP, DC, JT	Asset																
SP	Example:	Mega Coporation Common Stock (partial sale)		X		10-12-08		X									
SP		ROYCE MICRO CAP FUND	X			2-13-08		X									
SP		THORNBERG INV. INCOME FUND	X			2-13-08		X									
SP		11	X			10-13-08	X										
SP		CITIGROUP STOCK PURCHASE PLAN	X			M	X (YEARLY)										
SP		CITIGROUP 401 K PLAN															
		- WELLINGTON LARG CAP FUND	X			M	X (YEARLY)										
		- DODGE & COX INTL FUND	X			M	X (YEARLY)										
		THRIFT SAVINGS PLAN															
		- G FUND	X			M	X (YEARLY)										
		- F FUND	X			M	X (YEARLY)										
		- C FUND	X			M	X (YEARLY)										
		- S FUND	X			M	X (YEARLY)										
		- I FUND	X			M	X (YEARLY)										

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### SCHEDULE VIII—POSITIONS

Report all positions, compensated or uncompensated, held during the current calendar year as an officer, director, trustee of an organization, partner, proprietor, representative, employee, or consultant of any corporation, firm, partnership, or other business enterprise, any non profit organization, any labor organization, or any educational or other institution other than the United States.

**Exclude:** Positions listed on Schedule I; positions held in any religious, social, fraternal, or political entities (such as political parties and campaign organizations); and positions solely of an honorary nature.

Position	Name of Organization
PARTNER	RISJ LLC (FAMILY PARTNERSHIP)
PARTNER	OT REALTY ENTERPRISES I, II, III (FAMILY PARTNERSHIP)
PARTNER	GUS HOFFMAN SECOND FAMILY LIMITED PARTNERSHIP (FAMILY PARTNERSHIP)

### SCHEDULE IX—AGREEMENTS

Identify the date, parties to, and general terms of any agreement or arrangement with respect to: future employment; a leave of absence during the period of government service; continuation or deferral of payments by a former or current employer other than the U.S. Government; or continuing participation in an employee welfare or benefit plan maintained by a former employer.

Date	Parties To	Terms of Agreement

Use additional sheets if more space is required.

# **EXHIBIT 29**

**UNITED STATES HOUSE OF REPRESENTATIVES  
CALENDAR YEAR 2009 FINANCIAL DISCLOSURE STATEMENT**

Form A  
For use by Members, officers, and employees

2010 JUL 22 PM 2:57

me

Name: REP. JEANNETTE H. SCHMIDT Daytime Telephone: 202-225-XXXX

JUL 15 2010

(Office Use Only)



**A \$200 penalty shall be assessed against anyone who files more than 30 days late.**

Filer Status	<input checked="" type="checkbox"/> Member of the U.S. House of Representatives	State: <u>OH</u> District: <u>2</u>	<input type="checkbox"/> Officer or Employee	Employing Office:
Report Type	<input type="checkbox"/> Annual (May 17, 2010)	<input checked="" type="checkbox"/> Amendment	<input type="checkbox"/> Termination	Termination Date:

**PRELIMINARY INFORMATION — ANSWER EACH OF THESE QUESTIONS**

I. Did you or your spouse have "earned" income (e.g., salaries or fees) of \$200 or more from any source in the reporting period? If yes, complete and attach Schedule I.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	VI. Did you, your spouse, or a dependent child receive any reportable gift in the reporting period (i.e., aggregating more than \$335 and not otherwise exempt)? If yes, complete and attach Schedule VI.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
II. Did any individual or organization make a donation to charity in lieu of paying you for a speech, appearance, or article in the reporting period? If yes, complete and attach Schedule II.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	VII. Did you, your spouse, or a dependent child receive any reportable travel or reimbursements for travel in the reporting period (worth more than \$335 from one source)? If yes, complete and attach Schedule VII.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
III. Did you, your spouse, or a dependent child receive "unearned" income of more than \$200 in the reporting period or hold any reportable asset worth more than \$1,000 at the end of the period? If yes, complete and attach Schedule III.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	VIII. Did you hold any reportable positions on or before the date of filing in the current calendar year? If yes, complete and attach Schedule VIII.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
IV. Did you, your spouse, or a dependent child purchase, sell, or exchange any reportable asset in a transaction exceeding \$1,000 during the reporting period? If yes, complete and attach Schedule IV.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	IX. Did you have any reportable agreement or arrangement with an outside entity? If yes, complete and attach Schedule IX.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
V. Did you, your spouse, or a dependent child have any reportable liability (more than \$10,000) during the reporting period? If yes, complete and attach Schedule V.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<b>Each question in this part must be answered and the appropriate schedule attached for each "Yes" response.</b>	

**EXCLUSION OF SPOUSE, DEPENDENT, OR TRUST INFORMATION — ANSWER EACH OF THESE QUESTIONS**

<b>TRUSTS</b> —Details regarding "Qualified Blind Trusts" approved by the Committee on Standards of Official Conduct and certain other "excepted trusts" need not be disclosed. Have you excluded from this report details of such a trust benefiting you, your spouse, or dependent child?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>EXEMPTION</b> —Have you excluded from this report any other assets, "unearned" income, transactions, or liabilities of a spouse or dependent child because they meet all three tests for exemption? Do not answer "yes" unless you have first consulted with the Committee on Standards of Official Conduct.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>





**SCHEDULE III - ASSETS AND "UNEARNED" INCOME**  
Continuation Sheet (if needed)

Name RET JEAN SCHMIDT Page 1 of 14

SP DC JT	BLOCK A Asset and/or Income Source	BLOCK B Year-End Value of Asset													BLOCK C Type of Income						BLOCK D Amount of Income											BLOCK E Transaction	
		A	B	C	D	E	F	G	H	I	J	K	L	NONE	DIVIDENDS	RENT	INTEREST	CAPITAL GAINS	EXCEPTED/BLIND TRUST	Other Type of Income (Specify)	I	II	III	IV	V	VI	VII	VIII	IX	X	XI		
		None	\$1 - \$1,000	\$1,001 - \$15,000	\$15,001 - \$50,000	\$50,001 - \$100,000	\$100,001 - \$250,000	\$250,001 - \$500,000	\$500,001 - \$1,000,000	\$1,000,001 - \$5,000,000	\$5,000,001 - \$25,000,000	\$25,000,001 - \$50,000,000	Over \$50,000,000																				
SR	MSCIP RETIREMENT PLAN			X																	X												P
	- FIXED INCOME OPTION																																P
	- EQUITY OPTION			X																													P
	TARGET SAVINGS PLAN																																
	- G FUND				X																X												
	- F FUND				X																X												
	- C FUND				X																X												
	- S FUND				X																X												
	- I FUND				X																X												
	OHIO PUBLIC EMPLOYEE RET PLAN				X																												
	Bank National Bank (MILFORD OH)			X																	X												P
	ONE FEB CREDIT UNION			X																	X												
	BRANCHVILLE BANK (MILFORD OH)			X																	X												
	CENTRAL BANK (MILFORD OH)			X																	X												
	ST NATIONAL CITY (MILFORD OH)			X																	X												

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United States House of Representatives  
Financial Disclosure Statement for Calendar Year 2009

Jeannette H. Schmidt  
771 Wards Corner Rd.  
Loveland, OH 45140

Listing of real estate assets held by various family partnerships and jointly with siblings. Jean Schmidt owns 25% of all of the partnerships listed below.

- (1) OT Realty Enterprises LLC  
Percentage owned: 25%  
Corner of Loveland Miamiville Rd & Branch Hill / Guinea Pike, Loveland, OH 45140  
Land leased to Walgreen Pharmacy  
Value of percentage owned - \$250,000 - \$500,000  
Net Income for percentage owned for 2009 - \$15,000 - \$50,000 (rent)
  
- (2) OT Realty Enterprises LLC II  
Percentage owned: 25%  
Corner of Loveland Miamiville Rd & Branch Hill / Guinea Pike, Loveland, OH 45140  
Land leased to Kroger  
Value of percentage owned - \$250,000 - \$500,000  
Net Income for percentage owned for 2009 - \$15,000 - \$50,000 (rent)
  
- (3) OT Realty Enterprises LLC III  
Percentage owned: 25%  
Corner of Loveland Miamiville Rd & Branch Hill / Guinea Pike, Loveland, OH 45140  
Land to be developed in the future  
Value of percentage owned - \$50,000 - \$100,000  
Net Income for percentage owned for 2009 - zero
  
- (4) Jennifer Black Et All  
Percentage owned: 25%  
Corner of Loveland Miamiville Rd & Branch Hill / Guinea Pike, Loveland, OH 45140  
Land adjacent to OT Realty Enterprises LLC II  
Value of percentage owned - \$50,000 - \$100,000  
Net Income for percentage owned for 2009 - \$1,000 - \$2,500 (rent)
  
- (5) Gus Hoffman Second Family Limited Partnership  
Percentage owned: 25%  
Corner of Loveland Miamiville Rd & Branch Hill / Guinea Pike, Loveland, OH 45140  
Farm Land  
Value of percentage owned - \$500,000 - \$1,000,000  
Net Income for percentage owned for 2009 - \$2,500 - \$5,000 (farm crops)

- (6) RTJJ LLC  
Percentage owned: 25%  
Corner of Loveland Miamiville Rd & Branch Hill / Guinea Pike, Loveland, OH 45140  
Farm Land  
Value of percentage owned - \$1,000,000 - \$5,000,000  
Net Income for percentage owned for 2009 - \$2,500 - \$5,000 (farm crops)
- (7) RTJJ LLC  
Percentage owned: 25%  
Moore Rd. & Bantam Rd., Clermont County OH  
Vacant property  
Value of percentage owned - \$50,000 - \$100,000  
Net income for percentage owned for 2009 – zero
- (8) RTJJ LLC  
Percentage owned: 25%  
1232 SR 28, Milford, OH 45150  
Commercial Rental Property  
Value of percentage owned - \$50,000 - \$100,000  
Net Income for percentage owned for 2009 - \$2,500 - \$5,000 (rent)
- (9) RTJJ LLC  
Percentage owned: 25%  
1236 SR 28, Milford, OH 45150 (SR 28 & Floyd Place)  
Residential Rental Property (3 small homes & vacant lots)  
Value of percentage owned - \$100,000 - \$250,000  
Net Income for percentage owned for 2009 - \$2,500 - \$5,000
- (10) RTJJ LLC  
Percentage owned: 25%  
SR 132 & Judd Rd.  
Vacant Land  
Value of percentage owned: \$15,000 - \$50,000  
Net Income for percentage owned for 2009 - zero

**SCHEDULE IV— TRANSACTIONS**

Name RET JEAN SCHMIDT

Page 2 of 16

Report any purchase, sale, or exchange transactions by you, your spouse, or dependent child during the reporting period of any security or real property held for investment that exceeded \$1,000. Include transactions that resulted in a capital loss. Provide a brief description of any exchange transaction. Exclude transactions between you, your spouse or dependent children, or the purchase or sale of your personal residence, unless it generates rental income. If only a portion of an asset is sold, please so indicate (i.e., "partial sale"). See example below.  Capital Gains — if a sales transaction resulted in a capital gain in excess of \$200, check the "capital gains" box and disclose this income on Schedule III.		Type of Transaction			Check Box if Capital Gain Exceeded \$200	Date  (MO/DAY/YR) or Quarterly, Monthly, or Bi-weekly, if applicable	Amount of Transaction										
		PURCHASE	SALE	EXCHANGE			B \$1,001- \$15,000	C \$15,001- \$50,000	D \$50,001- \$100,000	E \$100,001- \$250,000	F \$250,001- \$500,000	G \$500,001- \$1,000,000	H \$1,000,001- \$5,000,000	I \$5,000,001- \$25,000,000	J \$25,000,001- \$50,000,000	K Over \$50,000,000	
SP, DC, JT	<b>Asset</b>																
SP	Example: Mega Coporation Common Stock (partial sale)		X			10-12-09		X									
SP	CITI GROUP 401 K																
	- WELLINGTON LARGE CAP FUND		Y			9-1-09			X								
	- DODGE & COX INTL FUND		X			9-1-09			X								
	(401 K SOLD & ROLLED OVER TO MSSB IRA)																
	THRIFT SAVINGS PLAN																
	- G FUND	X				M		X	(EARLY)								
JT	MSSB - JOINT ACCOUNT																
	- CALVERT SHORT DURATION FUND	X				7-20-09		X									
SP	MSSB 401 K																
	- US LARGE CAP	X				M		X	(EARLY)								
	- US MID CAP	X				M		X	(EARLY)								
	- US SM CAP	Y				M		X	(EARLY)								

**SCHEDULE IV – TRANSACTIONS**

SP, DC, JT		Asset	Type of Transaction			Date (MO/DAY/YR) or Quarterly, Monthly, or Bi-weekly, if applicable	Amount of Transaction													
			PURCHASE	SALE	EXCHANGE		B \$1,001- \$15,000	C \$15,001- \$50,000	D \$50,001- \$100,000	E \$100,001- \$250,000	F \$250,001- \$500,000	G \$500,001- \$1,000,000	H \$1,000,001- \$5,000,000	I \$5,000,001- \$25,000,000	J \$25,000,001- \$50,000,000	K Over \$50,000,000				
SP	Example:	Mega Coporation Common Stock (partial sale)		X		10-12-09		X												
SP		MSSB 401 K (CONTINUED)																		
		- EMERGING MARKETS	X			M	X	(YEARLY)												
		CONSUMER FED CREDIT UNION	X			9-30-09	X													
SP		MSCIP - RETIREMENT PLAN (LONGEVITY RETIREMENT PLAN EARNED IN 2009																		
		- FIXED INCOME OPTION	X			6-8-09	X													
		- EQUITY OPTION	X			6-8-09		X												
SP		MSSB IRA (WAS SMITH BARNET IRA)																		
		- 1 SHARE DJ SEL DIV		X		4-23-09	X													
		- LEGG MASON OPPORTUNITY TR		X		2-23-09		X												
		- LEGG MASON EM MKTS		X		9-23-09		X												
		- LEGG MASON VALUE TR		X		2-23-09		X												

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**SCHEDULE IV— TRANSACTIONS**

Name REP. JEAN SCHMIDT

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SP, DC, JT		Asset	Type of Transaction			Check Box if Capital Gain Exceeded \$200	Date (MO/DAY/YR) or Quarterly, Monthly, or Bi-weekly, if applicable	Amount of Transaction													
			PURCHASE	SALE	EXCHANGE			B \$1,001- \$15,000	C \$15,001- \$50,000	D \$50,001- \$100,000	E \$100,001- \$250,000	F \$250,001- \$500,000	G \$500,001- \$1,000,000	H \$1,000,001- \$5,000,000	I \$5,000,001- \$25,000,000	J \$25,000,001- \$50,000,000	K Over \$50,000,000				
SP	Example:	Mega Coporation Common Stock (partial sale)		X			10-12-09		X												
SP		MSSS IKA (CONT) - BNY MELLON FRONTIER MKTS	X				5-15-09	X													
		- BNY MELLON FRONTIER MKTS		X		X	6-17-09	X													
		- LARGE CAP BEAR FUND	X				4-17-09		X												
		- LARGE CAP BEAR FUND		X		X	4-21-09		X												
		- LARGE CAP BEAR FUND	X				4-29-09		X												
		- LARGE CAP BEAR FUND		X			5-6-09		X												
		- LARGE CAP BEAR FUND	X				5-20-09		X												
		- LARGE CAP BEAR FUND		X			5-26-09		X												
		- LARGE CAP BEAR FUND	X				6-17-09			X											
		- LARGE CAP BEAR FUND		X		X	7-10-09			X											
		- EVERGREEN EM MKTS FUND	X				7-15-09		X												
		- EVERGREEN EM MKTS FUND		X		X	9-25-09		X												
		- NAT GAS INDEX FUND	X				5-8-09	X													
		- NAT GAS INDEX FUND		X			6-17-09	X													
		- CHINA 25 INDEX FUND	X				3-31-09		X												
		- CHINA 25 INDEX FUND		X		X	5-7-09	X													

**SCHEDULE IV— TRANSACTIONS**

SP, DC, JT		Asset	Type of Transaction			Check Box if Capital Gain Exceeded \$200	Date (MO/DAY/YR) or Quarterly, Monthly, or Bi-weekly, if applicable	Amount of Transaction													
			PURCHASE	SALE	EXCHANGE			B \$1,001- \$15,000	C \$15,001- \$50,000	D \$50,001- \$100,000	E \$100,001- \$250,000	F \$250,001- \$500,000	G \$500,001- \$1,000,000	H \$1,000,001- \$5,000,000	I \$5,000,001- \$25,000,000	J \$25,000,001- \$50,000,000	K Over \$50,000,000				
SP	Example:	Mega Coporation Common Stock (partial sale)		X			10-12-09		X												
SP		MSSB IRA (CONT)																			
		- CHINA 25 INDEX FUND	X				6-1-09		X												
		- CHINA 25 INDEX FUND		X			6-17-09		X												
		- CHINA 25 INDEX FUND	X				7-17-09		X												
		- CHINA 25 INDEX FUND		X		X	8-24-09		X												
		- LATIN AMERZ INDEX FUND	X				7-20-09		X												
		- LATIN AMERZ INDEX FUND		X		X	9-24-09		X												
		- SM CAP GROWTH INDEX FUND	X				4-2-09		X												
		- SM CAP GROWTH INDEX FUND		X		X	5-7-09		X												
		- CHINA A SH FUND	X				5-12-09	X													
		- CHINA A SH FUND		X			6-17-09	X													
		- FIN PFD ETF	X				3-17-09		X												
		- FIN PFD ETF		X		X	4-20-09		X												
		- FIN PFD ETF	X				5-8-09	X													
		- FIN PFD ETF		X		X	6-26-09	X													







**SCHEDULE VIII—POSITIONS**

Report all positions, compensated or uncompensated, held during the current calendar year as an officer, director, trustee of an organization, partner, proprietor, representative, employee, or consultant of any corporation, firm, partnership, or other business enterprise, any non profit organization, any labor organization, or any educational or other institution other than the United States.

**Exclude:** Positions listed on Schedule I; positions held in any religious, social, fraternal, or political entities (such as political parties and campaign organizations); and positions solely of an honorary nature.

Position	Name of Organization
PARTNER	RTJT LLC (FAMILY PARTNERSHIP)
PARTNER	OT REALTY ENTERPRISES I, II, III (FAMILY PARTNERSHIP)
PARTNER	GUS HOFFMAN SECOND FAMILY LIMITED PARTNERSHIP (FAMILY PARTNERSHIP)

**SCHEDULE IX—AGREEMENTS**

Identify the date, parties to, and general terms of any agreement or arrangement with respect to: future employment; a leave of absence during the period of government service; continuation or deferral of payments by a former or current employer other than the U.S. Government; continuing participation in an employee welfare or benefit plan maintained by a former employer; or publication of a book.

Date	Parties To	Terms of Agreement

# **EXHIBIT 30**

ZOE LOFGREN, CALIFORNIA  
CHAIR  
BEN CHANDLER, KENTUCKY  
G. K. BUTTERFIELD, NORTH CAROLINA  
KATHY CASTOR, FLORIDA  
PETER WELCH, VERMONT  
DANIEL J. TAYLOR,  
COUNSEL TO THE CHAIR  
R. BLAKE CHISAM,  
CHIEF COUNSEL AND STAFF DIRECTOR

JO BONNER, ALABAMA  
RANKING REPUBLICAN MEMBER  
K. MICHAEL CONAWAY, TEXAS  
CHARLES W. DENT, PENNSYLVANIA  
GREGG HARPER, MISSISSIPPI  
MICHAEL T. MCCAUL, TEXAS  
KELLE A. STRICKLAND,  
COUNSEL TO THE RANKING  
REPUBLICAN MEMBER  
SUITE HT-2, THE CAPITOL  
(202) 225-7103

ONE HUNDRED ELEVENTH CONGRESS

## U.S. House of Representatives

COMMITTEE ON STANDARDS OF  
OFFICIAL CONDUCT

Washington, DC 20515-6328

October 29, 2010

The Honorable Charles B. Rangel  
U.S. House of Representatives  
2354 Rayburn House Office Building  
Washington, DC 20515

Dear Colleague:

This responds to your letter of October 25, 2010, requesting Committee guidance on seeking and accepting *pro bono* or reduced-fee legal representation in connection with the disciplinary proceedings currently pending against you before the Committee.

In your letter, you state, "I am asking the Committee to approve my seeking . . . counsel [on a *pro bono* or reduced fee basis] without me or the counsel being accused of seeking, receiving or providing gift representation." You also state, "In the alternative, the Committee can arrange for the House to pay for my counsel." We have construed your request as a request for an advisory opinion from the Committee's Office of Advice and Education.<sup>1</sup>

While House Rules authorize the Committee to consider requests for advisory opinions, such authority is limited to "the general propriety of any current or proposed conduct" of the inquiring individual.<sup>2</sup> Moreover, in providing written responses to requests for an opinion, the Committee has a long-established policy of addressing "the conduct only of the inquiring individual, or of persons for whom the inquiring individual is responsible as [the] employing authority."<sup>3</sup>

Because your letter does not provide specific details about how or from whom you would seek legal representation, we cannot definitively address whether the activities described in your letter are permissible under applicable House rules, laws, regulations or other applicable standards of conduct. We can, however, offer you some general guidance on the rules and standards of conduct applicable to Members of the House that are relevant to your inquiry.

### I. FACTUAL BACKGROUND

According to your letter and publicly-available materials, the background on this matter is as follows. The Committee has been conducting formal disciplinary proceedings into allegations that

<sup>1</sup> See House Rule 11, cl. 3(a)(4); Committee Rule 3(b).

<sup>2</sup> House Rule 11, cl. 3(a)(4).

<sup>3</sup> Committee Rule 3(d).

you violated House rules, laws, regulations, or other applicable standards of conduct. On July 22, 2010, an investigative subcommittee transmitted a Statement of Alleged Violation (SAV) to the full Committee. You are currently scheduled to appear before an adjudicatory subcommittee on November 15, 2010, for an adjudicatory hearing on the allegations charged in the SAV.

During the course of the proceedings, you were represented by the Washington, D.C., law firm of Zuckerman Spaeder. To date, this representation has generated legal bills of over \$2 million. To date, you have largely used funds from your principal campaign committee to pay those expenses. However, as of October 14, 2010, Zuckerman Spaeder withdrew from serving as your counsel. As of the date of your letter, you have been unable to secure new counsel to represent you in this matter.

Your October 25, 2010, letter inquires about the permissibility of two options for securing and accepting legal assistance: (1) having the House pay for your counsel; or (2) allowing you to solicit private counsel to represent you on a *pro bono* (free) or reduced-fee basis. The remainder of this letter provides general guidance on each of these options in turn.

## II. LEGAL AUTHORITY AND ANALYSIS

### A. Counsel Paid by the House

Your first proposal is that the Committee or the House of Representatives as a whole pay for any further legal costs incurred in connection with the adjudication of this matter. A provision in the Committee's rules provides a respondent in disciplinary proceedings before the Committee with the right to be represented by counsel.<sup>4</sup> However, the rule also expressly provides that any such representation is "to be provided at the respondent's own expense."<sup>5</sup> Thus, the Committee, in promulgating its rules, has weighed and rejected the option of the government paying for legal representation for individuals whom the Committee is investigating.

A federal statute also restricts the use of House funds to the purposes for which those funds were appropriated.<sup>6</sup> Pursuant to this statute, any funds of the House may be used only to perform, or pay for, the official governmental duties of the Member, committee, or other office to whom the funds were appropriated. Because your legal representation for purposes of the disciplinary proceedings before the Committee is a matter wholly related to your own official duties, no funds of the House other than funds appropriated to your congressional office for the conduct of official congressional business (*i.e.*, your Member's Representational Allowance, or MRA) could be expended for that purpose under the statute. However, we note that the Committee on House Administration, rather than this Committee, has jurisdiction over the approval of reimbursements from your MRA.<sup>7</sup>

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<sup>4</sup> Committee Rule 26(a).

<sup>5</sup> *Id.*

<sup>6</sup> 31 U.S.C. §1301(a).

<sup>7</sup> We understand that the Committee on House Administration has determined that the cost of legal representation of a Member in a Committee adjudicatory proceeding is not reimbursable from the Member's official funds because such expenses are not considered to be "ordinary and necessary" expenses. See Comm. on House Admin., *Member's Handbook*, at 1 ("Ordinary and necessary expenses incurred by the Member . . . in support of the

In sum, it appears that Committee rules, House regulations, and a federal statute would prohibit the House from providing you with legal representation for the remaining phases of the disciplinary proceedings before the Committee.<sup>8</sup>

#### B. Soliciting or Accepting Free or Reduced-Fee Legal Services

The second option addressed in your letter involves you seeking private counsel to represent you on a no-cost or reduced fee basis. This proposal implicates ethics provisions governing both acceptance of gifts and solicitation of things of value.

House rules define the term “gift” to mean:

a gratuity, favor, discount, entertainment, hospitality, loan forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.<sup>9</sup>

The definition of gift expressly includes gifts of services. Thus, the value of legal services provided to a Member at no cost would be deemed to be a gift under the gift rule.<sup>10</sup> Members may not accept any gift, except as specifically permitted by House rules.<sup>11</sup>

One of the permissible exceptions to the prohibition on gifts is for contributions to a legal expense fund by someone other than a registered lobbyist or agent of a foreign principal.<sup>12</sup> This exception provides that a Member, officer, or employee may accept “a contribution or other payment to a legal expense fund established for the benefit of a Member, . . . officer, or employee of the House that is otherwise lawfully made in accordance with the restrictions and disclosure requirements of the Committee on Standards of Official Conduct.”<sup>13</sup> The Committee has expressly stated that such a fund is permissible for legal expenses that arise in connection with a matter concerning “[t]he individual’s duties or position in Congress (including a matter before the Standards Committee).”<sup>14</sup> If you did establish a valid legal expense trust in relation to this matter, you would be permitted to solicit donations to the trust of money or in-kind services (including free or discounted legal services), provided such solicitations and donations were

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Member’s official and representational duties to the district from which elected are reimbursable . . . .”) (emphasis added).

<sup>8</sup> General ethics principles for the legal profession also may restrict the House from serving as counsel to both the Committee and counsel to the defense in this matter. *See, e.g.,* ABA, Model Rules of Professional Conduct R. 1.7.

<sup>9</sup> House Rule 25, cl. 5(a)(2)(A).

<sup>10</sup> As a general matter, the amount of any discount on the cost of legal fees offered to a Member based on that individual’s official status would be deemed a gift for purposes of the gift rule. *See* House Rule 25, cl. 5(a)(2)(A).

<sup>11</sup> House Rule 25, cl. 5(a)(1)(A)(i); *see also* House Rule 23, cl. 4.

<sup>12</sup> *See* House Rule 25, cl. 5(a)(3)(E).

<sup>13</sup> *Id.*

<sup>14</sup> 2008 House Ethics Manual at 64.

made in compliance with Committee regulations regarding legal expense trusts.<sup>15</sup> The rules for establishing, maintaining, and providing public disclosure about such a fund are contained in the appendices to the *2008 House Ethics Manual*.<sup>16</sup>

In addition, because an important aspect of a Member's responsibility is representing the interests of his constituents in matters in which the federal government has an interest, the Committee has determined that *pro bono* assistance to participate in certain actions involving the federal government falls within the gift rule exception for contributions to legal expense funds.<sup>17</sup> Specifically, as stated in the *2008 House Ethics Manual*, a Member may accept *pro bono* legal assistance, without limit, for the following purposes:

- To file an amicus brief in his or her capacity as a member of Congress;
- To participate in a civil action challenging the validity of any federal law or regulation; or
- To participate in a civil action challenging the lawfulness of an action of a federal agency, or an action of a federal official taken in an official capacity, provided that the action concerns a matter of public interest, rather than a matter that is personal in nature.<sup>18</sup>

The Committee has permitted the acceptance of *pro bono* legal services for the purposes listed above because such services would be to enable a Member to fulfill his official duties as an advocate for the greater good of his constituents due to the subject matter of the litigation.<sup>19</sup> That principle of serving the greater good would not be met through providing legal services to defend an individual Member against allegations of misconduct by an individual Member in a disciplinary action by the Committee.<sup>20</sup>

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<sup>15</sup> See Comm. on Standards of Official Conduct, "Legal Expense Fund Regulations" ¶ 1 (June 10, 1996), reprinted in *2008 House Ethics Manual* at 394.

<sup>16</sup> See generally *id.*, reprinted in *2008 House Ethics Manual* at pages 394-96.

<sup>17</sup> See *2008 House Ethics Manual* at 65.

<sup>18</sup> *Id.*

<sup>19</sup> See *id.* at 64, 65; see also *Black's Law Dictionary*, 8th ed. (West 1999) at 1240-41 (defining "pro bono" as "[b]eing or involving uncompensated legal services performed [especially] for the public good").

<sup>20</sup> Because your letter does not provide specific details about how or from whom you would seek such representation, we cannot, as noted above, definitively address whether any other exceptions to the House gift rule may potentially apply in this matter. See House Rule 25, cl. 5. For example, we note that the Committee has, in the past, approved an unsolicited reduced fee arrangement offered by a law firm to a Member. However, it should be noted that the approved arrangement involved a fee structure regularly offered to other clients of the firm in similar circumstances. We also note that the Committee has permitted House employees to accept unsolicited *pro bono* legal representation in personal matters based on the personal friendship exception to the gift rule. See House Rule 25, cl. 5(a)(3)(D).

In any case, a federal statute prohibits Members and House staff from soliciting anything of value.<sup>21</sup> This statute gives this Committee, as the supervising ethics office for the House, the authority to issue rules or regulations providing for reasonable exceptions to this prohibition.<sup>22</sup> Under this authority, the Committee has permitted Members to solicit for a legal expense fund that has been established and approved by the Committee in accordance with the Legal Expense Fund Regulations.<sup>23</sup> The Committee has never approved the solicitation of *pro bono* legal services incurred in connection with a disciplinary matter before the Committee, unless the solicitation was for the donation of goods or services to a valid legal expense trust established for that purpose.

Based on the foregoing authority and precedent, because the subject matter of the Committee investigation concerns your conduct, rather than the actions of the federal government, it would not be permissible for you to solicit or accept *pro bono* or reduced-fee legal representation in connection with the ongoing disciplinary proceedings, absent the establishment of a legal expense fund for such purpose.

### III. CONCLUSION

Accordingly, as explained more fully above, House and Committee rules and the applicable federal statutes would prohibit the House from paying for your legal representation. In addition, it is likely that, absent the establishment of a valid legal expense fund for that purpose, you may not solicit or accept *pro bono* or reduced-fee representation related to the disciplinary proceedings before the Committee. While not proposed as an option in your letter, it would be permissible for you to establish a legal expense fund to accept contributions of: (1) money that could be used to defray any legal expenses incurred in connection with the ongoing Committee disciplinary proceedings; or (2) in-kind donations of free or discounted legal services for the same purpose. As stated above, any such legal expense fund would have to be established and maintained in accordance with the Committee's Legal Expense Fund Regulations.

### IV. LIMITATIONS

The response above constitutes an advisory opinion concerning the application of House Rule 11, clause 3; House Rule 23, clause 4; House Rule 25, clause 5; Committee Rule 3; Committee Rule 26; the Legal Expense Fund Regulations, 5 U.S.C. § 7353; and 31 U.S.C. § 1301. The following limitations apply to this opinion:

- This advisory opinion is issued only to Representative Charles B. Rangel, the requestor of this opinion. This advisory opinion cannot be relied upon by any other individual or entity.

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<sup>21</sup> See 5 U.S.C. § 7353(a).

<sup>22</sup> See *id.* § 7353(b)(1).

<sup>23</sup> See Legal Expense Fund Regulations, reprinted in 2008 House Ethics Manual at 394-96; see also 2008 House Ethics Manual at 63-64.

- This advisory opinion is limited to the provisions of House rules and regulations and federal statute specifically noted above. No opinion is expressed or implied herein regarding the application of any other federal, state, or local statute, rule, regulation, ordinance, or other law that may be applicable to the proposed conduct described in this letter.
- This advisory opinion will not bind or obligate any entity other than the Committee on Standards of Official Conduct of the United States House of Representatives.
- This advisory opinion is limited in scope to the specific proposed conduct described in this letter and does not apply to any other conduct, including that which appears similar in nature or scope to that described in this letter.

The Committee will take no adverse action against you in regard to any conduct that you undertake, or have undertaken, in good faith reliance upon this advisory opinion, so long as you have presented a complete and accurate statement of all material facts relied upon herein, and the proposed conduct in practice conforms with the information you provided, as addressed in this opinion.

Changes or other developments in the law (including, but not limited to, the Code of Official Conduct, House rules, Committee guidance, advisory opinions, statutes, regulations or case law) may affect the analysis or conclusions drawn in this advisory opinion. The Committee reserves the right to reconsider the questions and issues raised in this advisory opinion and to rescind, modify, or terminate this opinion if required by the interests of the House. However, the Committee will rescind an advisory opinion only if relevant and material facts were not completely and accurately disclosed to the Committee at the time the opinion was issued. In the event that this advisory opinion is modified or terminated, the Committee will not take any adverse action against you with respect to any action taken in good faith reliance upon this advisory opinion so long as such conduct or such action was promptly discontinued upon notification of the modification or termination of this advisory opinion.

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If you have any further questions, including further information on establishing a legal defense fund, please contact the Committee's Office of Advice and Education at extension 5-7103.



Zoe Lofgren  
Chair

Sincerely,



Jo Bonner  
Ranking Republican Member

ZL/JB:cod