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112TH CONGRESS
1st Session

HOUSE OF REPRESENTATIVES

REPORT
112–195

IN THE MATTER OF ALLEGATIONS RELATING TO REPRESENTATIVE JEAN SCHMIDT

R E P O R T

OF THE

COMMITTEE ON ETHICS

AUGUST 5, 2011.—Referred to the House Calendar and ordered to be printed

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LETTER OF TRANSMITTAL

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON ETHICS,
Washington, DC, August 5, 2011.

Hon. KAREN L. HAAS,
Clerk, U.S. House of Representatives,
Washington, DC.

DEAR MS. HAAS: Pursuant to clauses 3(a)(2) and 3(b) of rule XI of the Rules of the House of Representatives, we herewith transmit the attached Report, "In the Matter Regarding Allegations Relating to Representative Jean Schmidt."

Sincerely,

JO BONNER,
Chairman.
LINDA T. SÁNCHEZ,
Ranking Member.

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112TH CONGRESS 1st Session | HOUSE OF REPRESENTATIVES | REPORT 112–195

IN THE MATTER REGARDING ALLEGATIONS RELATING TO REPRESENTATIVE JEAN SCHMIDT

AUGUST 5, 2011.—Referred to the House Calendar and ordered to be printed

Mr. BONNER, from the Committee on Ethics, submitted the following

R E P O R T

I. INTRODUCTION

The Committee on Ethics submits this Report pursuant to Rule XI, clause 3(a)(2), of the Rules of the U.S. House of Representatives (House Rules), which authorizes the Committee to investigate any alleged violation by a Member, officer, or employee of the House of Representatives, of the Code of Official Conduct or any law, rule, regulation, or other standard applicable to the conduct of such Member, officer, or employee.

Since the spring of 2009, Representative Jean Schmidt has been involved in litigation regarding statements made about her by David Krikorian, an opponent in her 2008 re-election campaign. That dispute has involved proceedings before an Ohio state agency, in Ohio state court, and in federal court.

In a letter dated September 17, 2009, Representative Jean Schmidt first sought guidance related to payment of legal services provided to her in the state agency and state court proceedings by lawyers associated with the Turkish American Legal Defense Fund (TALDF). On February 26, 2010, the Committee provided guidance on the possible use of a legal expense fund or of campaign funds to pay for legal work already completed in those proceedings. The Committee's letter did not formally approve a legal expense fund pursuant to the Committee's written guidance on legal expense funds, because Representative Schmidt had not yet asked the Committee for such approval.

In letters dated July 19, 2010, August 9, 2010, and August 11, 2010, Representative Schmidt sought approval from the Committee of a legal expense fund, a contingency fee arrangement, and further guidance related to payment of legal services provided to her in the state agency and state court proceedings, as well as a federal court proceeding. Since first seeking the Committee's guidance, Repre-

sentative Schmidt has worked in good faith with the Committee's Office of Advice and Education to resolve any outstanding issues regarding the payment of legal services to the lawyers associated with TALDF.

On May 18, 2011, the Committee formally received a referral from the Office of Congressional Ethics (OCE), recommending further review of allegations 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."[1] Upon receipt of OCE's Report and Findings (Report and Findings), the Committee sent a copy of the Report and Findings to Representative Schmidt and offered her an opportunity to respond. Representative Schmidt submitted a response to OCE's Report and Findings on May 27, 2011.[2] On July 1, 2011, the Chairman and Ranking Member of the Committee jointly decided to extend the Committee's review of the OCE referral regarding Representative Schmidt pursuant to House Rule XI, clause 3(a)(8)(A), and Committee Rules 17A(b)(1)(A) and 17A(c)(1). Unless the Committee voted to empanel an investigative subcommittee, those rules required the Committee to release OCE's Report and Findings no later than August 16, 2011.

The Committee conducted an independent investigation into the matters in the OCE referral pursuant to House Rule XI, clause 3(b)(1)(B)(ii), and Committee Rule 18(a), which authorize the Chairman and Ranking Member to jointly gather additional information concerning an alleged violation by a Member, officer, or employee unless and until an investigative subcommittee has been established.

Based on the Committee's investigation and nearly two years of guidance to Representative Jean Schmidt through the Committee's Office of Advice and Education, the Committee voted unanimously on August 1, 2011, to resolve the issues surrounding Representative Schmidt's outstanding requests for guidance from the Committee and the allegations regarding Representative Schmidt by OCE, by issuing a letter to Representative Schmidt and releasing this Report.[3] The Committee further determined that it was appropriate to publicly release OCE's Report and Findings, along with Representative Schmidt's response to the Report and Findings, through this Report.

With respect to Representative Schmidt's request for guidance from the Committee, the Committee in its guidance, issued contemporaneously with this Report, approved the use of funds from the Jean Schmidt Legal Expense Trust to pay legal bills incurred in connection with her complaint before the Ohio Elections Commission and the defamation action, subject to certain restrictions discussed below. The Committee denied the use of funds from the Jean Schmidt Legal Expense Trust to pay legal bills incurred in connection with amicus briefs filed in *Krikorian v. Ohio Elections*

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[1] *Report and Findings in the Matter of Representative Jean Schmidt,* OCE Review No. 11–6574, May 18, 2011. A copy of OCE's Report and Findings is attached as Appendix A to this report.

[2] Letter from Representative Schmidt to Committee, May 27, 2011. A copy of Representative Schmidt's response to OCE's Report and Findings is attached as Appendix B to this report.

[3] Pursuant to Committee Rule 3(j), the Committee will not release any of its letters to Representative Schmidt at this time.

Commission. Additionally, the Committee has determined that Representative Schmidt's use of campaign funds to pay for the Ohio Elections Commission matter, the defamation action, and the amicus briefs filed in *Krikorian v. Ohio Elections Commission* would not violate House rules, subject to certain restrictions discussed below. However, the Committee advised Representative Schmidt to consult with the Federal Election Commission (FEC) before using campaign funds for any of these purposes. Finally, the Committee denied permission to enter into a so-called "contingency fee" arrangement.

With respect to the referral from OCE, it appears that, based on the evidence examined by the Committee, unbeknownst to Representative Schmidt or the Committee, Representative Schmidt's lawyers were not employees of TALDF, or the related entity, the Turkish Coalition of America (TCA), and were not planning to send her a bill for attorneys' fees at the conclusion of the matter, but instead her lawyers were outside counsel to TCA who have sent monthly bills to TCA for their TALDF-related legal representation of Representative Schmidt, which TCA has paid on an ongoing basis. According to OCE's referral, between 2008 and 2010 TCA actually paid the TALDF lawyers approximately $500,000 for legal services provided to Representative Schmidt. Neither the Committee nor, according to the evidence, Representative Schmidt was aware of these payments when the Committee provided advice to Representative Schmidt regarding her options for paying legal fees in the various proceedings.

Despite Representative Schmidt's apparent lack of knowledge of this arrangement, it was in fact improper and constituted an impermissible gift from TCA to Representative Schmidt. Thus, the Committee has decided that it will not dismiss the allegations in the OCE referral. However, the Committee does not see the need to empanel an investigative subcommittee at this time. The Committee does not believe that further fact-gathering is necessary, and, given the evidence that Representative Schmidt lacked knowledge of the arrangement, the Committee does not believe that any sanction is necessary. In addition, the Committee notes that Representative Schmidt has been working in good faith with the Committee since 2009 to ascertain the appropriate means by which to pay her attorneys.

However, Representative Schmidt must disclose and repay the improper gift. Thus, Representative Schmidt must ensure that TCA does not pay for any further legal services on her behalf, and, subject to the guidance below, Representative Schmidt must pay, from a permissible source, the lawyers associated with TALDF for all legal services they performed on her behalf; Representative Schmidt must also amend her annual Financial Disclosure Statements for calendar years 2009 and 2010 to disclose the gifts from TCA; and finally, Representative Schmidt must disclose the remaining unpaid legal fees from TCA as liabilities on her future Financial Disclosure Statements, until the lawyers associated with TALDF have been repaid in full, for all services provided, including those they originally billed to TCA.

II. BACKGROUND

Based on OCE's referral, the Committee's independent investigation, and nearly two years of guidance to Representative Schmidt through the Committee's Office of Advice and Education, the following is the background on this matter.

A. LITIGATION INVOLVING MR. KRIKORIAN

Representative Schmidt currently represents the 2nd District of Ohio. In the 2008 general election cycle, Mr. David Krikorian ran for her congressional seat as an independent.[4] In the final days of the 2008 election cycle, Mr. Krikorian distributed materials accusing Representative Schmidt of accepting a $30,000 bribe from the Government of Turkey in exchange for denying the genocide of Armenians in Turkey during World War I. The campaign materials also called for Representative Schmidt's immediate resignation from her congressional seat and/or her defeat at the polls in the 2008 general election. Representative Schmidt was reelected in the November 2008 general election.

Shortly after the 2008 election, Representative Schmidt was contacted by Mr. Bruce Fein and Mr. David Saltzman, who introduced themselves as lawyers with TALDF.[5] At that time, Mr. Fein and Mr. Saltzman offered to represent Representative Schmidt in a lawsuit challenging Mr. Krikorian's claims about her. At that time, Representative Schmidt expressed some interest in Mr. Fein and Mr. Saltzman representing her, but she stated that she wanted it to be done on whatever terms were consistent with the House ethics rules.[6] At some point, Mr. Fein suggested using a contingency fee arrangement, in which the lawyers associated with TALDF would not charge Representative Schmidt for legal services, but she would split the proceeds of any damage award that resulted from their representation.[7] However, Representative Schmidt and the lawyers associated with TALDF never came to a final understanding of how she would pay for their legal services.

In April 2009, Mr. Fein and Mr. Saltzman filed a complaint on Representative Schmidt's behalf against Mr. Krikorian with the Ohio Elections Commission.[8] The Ohio Elections Commission has jurisdiction over false campaign statements under Ohio law.[9] Representative Schmidt filed the complaint as a candidate and used her campaign committee address.[10] The complaint sought: (1) a finding by the Ohio Elections Commission that Mr. Krikorian violated Ohio law by making false campaign statements; (2) a public reprimand of Mr. Krikorian; and (3) any other appropriate relief.[11]

On August 31, 2009, Mr. Fein was deposed in the Ohio Elections Commission matter.[12] Later that day, Representative Schmidt's then-Chief of Staff, Barry Bennett, was also deposed in the Ohio

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[4] Complaint, ¶3, *Jean Schmidt* v. *Mr. David Krikorian,* Ohio Elections Commission, 2009E–003, April 29, 2009 (Ohio Elections Commission Complaint).
[5] Transcript of Interview of Barry Bennett, at 5 (Bennett Tr.).
[6] Transcript of Interview of Bruce Fein, at 15 (Fein Tr.).
[7] Fein Tr. at 31.
[8] *Id*. at 16.
[9] *See* Ohio Rev. Code § 3517.21.
[10] Ohio Elections Commission Complaint.
[11] *Id*.
[12] Deposition of Bruce Fein, August 31, 2009 (Fein Deposition).

Elections Commission matter.[13] Lawyers representing Mr. Krikorian asked Mr. Fein and Mr. Bennett about the arrangement for payment of Mr. Fein's and Mr. Saltzman's attorneys' fees for representing Representative Schmidt. In response to the question of whether TALDF had charged Representative Schmidt's campaign for legal services to her, Mr. Fein stated, "The answer is no. We stated that we would do this and we would not charge them legal fees."[14] Mr. Bennett was asked if there was an "ethics issue associated with [TALDF] paying for Ms. Schmidt's legal fees?"[15] Mr. Bennett responded, "No, not that I'm aware of."[16]

According to Committee records, Mr. Bennett first called the Committee on or around September 10, 2009, to ask the Committee's guidance regarding the payment of legal fees incurred on Representative Schmidt's behalf in the course of pursuing the complaint against Mr. Krikorian before the Ohio Elections Commission.[17] In that telephone call Mr. Bennett discussed a possible contingency fee agreement.[18] Committee counsel asked Mr. Bennett if Representative Schmidt had considered using a legal expense fund, and Mr. Bennett said that this was the first time he had considered it.[19] Committee counsel instructed Mr. Bennett that Representative Schmidt should submit a letter to the Committee to get formal guidance on these issues.[20] Representative Schmidt first submitted a letter to the Committee on September 17, 2009, seeking formal guidance.[21]

In October 2009, Representative Schmidt received a finding of fact from the Ohio Elections Commission that there was clear and convincing evidence that Mr. Krikorian made false statements with malice.[22] Mr. Krikorian filed an appeal in Ohio state court seeking to overturn the administrative ruling by the Ohio Elections Commission, which was denied. On October 8, 2009, Representative Schmidt's office responded to requests from Committee counsel by providing the Committee with information related to her September 17, 2009, request.[23] These materials included a letter in which Mr. Fein and Mr. Saltzman stated that they "have agreed to represent [Representative Schmidt] as attorneys . . . for a contingency fee of one-third of any recovery, plus out-of-pocket expenses."[24] Mr. Bennett believed it was unlikely that a contingency fee arrangement would be approved, and understood from his conversations with Committee counsel that it appeared that the Committee had not previously approved a contingency fee arrangement. Representative Schmidt subsequently amended her request to omit the request for approval of a contingency fee arrangement.

On January 21, 2010, Mr. Krikorian filed a civil suit in federal court against the Ohio Elections Commission that challenged the constitutionality of Section 3517.21(B)(10) of the Ohio Revised Code, which prohibits a candidate from making "a false statement

[13] Deposition of Barry Bennett, August 31, 2009 (Bennett Deposition).
[14] Fein Deposition at 60.
[15] Bennett Deposition at 49.
[16] *Id.*
[17] Committee Telephone Inquiries Log, September 10, 2009, 3:11:17 p.m. (Sept. 10 Phone Log).
[18] *Id.*
[19] Bennett Tr. at 6–7.
[20] Sept. 10 Phone Log.
[21] Schmidt Letter to Committee, September 17, 2009.
[22] Email from Barry Bennett to Committee counsel, October 2, 2009.
[23] Letter from Barry Bennett to Committee counsel, October 8, 2009.
[24] Letter from Bruce Fein and David Saltzman to Representative Schmidt, undated.

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."[25] Mr. Krikorian also contended the statute is preempted by the Federal Elections Campaign Act of 1971 (as amended). He sought a declaratory judgment that the Ohio statute is unconstitutional and an injunction against its enforcement against him. Representative Schmidt was not a named party to this federal court case. On January 29, 2010, Representative Schmidt filed an amicus brief in the federal court action in support of the Ohio Elections Commission.[26] The brief was prepared for Representative Schmidt by the lawyers associated with TALDF.

On February 26, 2010, the Committee sent a response to Representative Schmidt's September 17, 2009, letter.[27] This letter provided guidance on the possible use of a legal expense fund or of campaign funds to pay for legal work already completed during the Ohio Elections Commission proceedings and future work on Representative Schmidt's behalf in the appellate case in Ohio state court. The Committee's letter did not formally approve a legal expense fund pursuant to the Committee's written guidance on legal expense funds, because Representative Schmidt had not yet asked the Committee for such approval. The letter noted Mr. Krikorian's civil suit in federal court against the Ohio Elections Commission, but stated that Representative Schmidt was "not a named party to this federal court case and [did] not anticipate any involvement in that separate litigation."[28]

On June 8, 2010, lawyers associated with TALDF filed a defamation action on Representative Schmidt's behalf against Mr. Krikorian in the Ohio Court of Common Pleas.[29] Representative Schmidt's complaint in the defamation action alleges that Mr. Krikorian made defamatory statements similar to those made in the campaign and republished the defamatory statements made during the campaign when interviewed by Asbarez.com in June 2009.[30] Representative Schmidt alleges he made further defamatory statements in *The Armenian Reporter* and *The Armenian Mirror-Spectator* in August 2009 and again in a televised interview in September 2009.[31]

On July 13, 2010, Mr. Krikorian filed a complaint regarding Representative Schmidt with the Office of Congressional Ethics. Mr. Krikorian asserted that Representative Schmidt's acceptance of legal services from the TALDF attorneys may have violated the House gift rule, and alleged possible violations of the Ethics in Government Act, the False Statements Accountability Act, and other House Rules. In the complaint, Mr. Krikorian stated "while purely an estimate on my part, I believe the total fees and expenses associated with the OEC Action exceeded $200,000 and may have ranged up to $500,000." The complaint also stated that pub-

[25] Complaint, *Krikorian* v. *Ohio Elections Commission,* 1:10–cv–00720–TSB (S.D. Ohio Jan. 21, 2010).

[26] Amicus Brief, *Krikorian* v. *Ohio Elections Commission,* 1:10–cv–00720–TSB (S.D. Ohio Jan. 29, 2010).

[27] Letter from Committee to Representative Schmidt, February 26, 2010.

[28] *Id.* The Committee had not been previously aware that Representative Schmidt's intention to participate in the federal court matter had changed.

[29] Complaint, *Schmidt* v. *Krikorian, et al.,* 2010–cvc–1217 (June 8, 2010).

[30] *Id.*

[31] *Id.*

licly available records showed no payments from her campaign for the legal services or the establishment of a legal defense fund.

On July 19, August 9, and August 11, 2010, Representative Schmidt wrote letters to the Committee seeking approval of the Jean Schmidt Legal Expense Trust. She sought to use the fund to pay for legal expenses incurred in the Ohio Elections Commission matter and the federal court litigation to which she was not a party. Representative Schmidt also resubmitted a request for approval of a contingency fee arrangement to pay for the defamation action.

On September 27, 2010, Mr. Fein filed a motion to be admitted *pro hac vice* in the Ohio Court of Common Pleas for Representative Schmidt's defamation action.[32] On October 22, 2010, the defendants in the defamation matter filed a legal brief opposing Mr. Fein's admission *pro hac vice.*[33] In the opposition brief, defendants asserted that Mr. Fein was a "necessary witness" in the matter, and had potentially perjured himself, because:

> Mr. Fein testified under oath that the Turkish American Legal Defense Fund ("TALDF")—an entity that is part of the Turkish Coalition of America ("TCA")—was paying Plaintiff Schmidt's legal fees during the pendency of the Ohio Elections Commission that serve as a basis of this instant case.[34]

The opposition brief further asserted that Mr. Fein may have a conflict of interest in the case because "it is also very likely Mr. Fein advised Plaintiff Schmidt that their arrangement regarding not charging her, her congressional office, or her campaign was perfectly legal without any disclosure."[35]

Representative Schmidt's lawyers filed a reply brief in the matter which asserted that "Mr. Fein's statements during his deposition were accurate and consistent with the information available to him at the time they were made."[36] The reply brief further stated that "Mr. Fein has testified under oath that he never provided free legal services to plaintiff."[37] Instead, the brief stated that "[t]he Turkish Coalition of America . . . has consistently funded Fein's representation of Jean Schmidt as senior counsel at the Turkish American Legal Defense Fund . . . for the duration of her several legal actions against Defendant Krikorian."[38] Finally, the reply brief stated that "Mr. Fein did not advise Plaintiff Schmidt rules [sic] governing the receipt of free legal services by members of Congress."[39]

Following oral argument, the Ohio Court of Common Pleas issued an order denying Mr. Fein's motion.[40] As part of its support for this ruling, the court stated:

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[32] Motion for Admission Pro Hac Vice for Bruce Fein of Bruce E. Fein & Associates, Inc., *Schmidt* v. *Krikorian, et al.,* 2010–cvc–1217 (September 27, 2010).

[33] Memorandum in Opposition to Motion for Admission Pro Hac Vice for Bruce Fein of Bruce E. Fein & Associates, Inc., *Schmidt* v. *Krikorian, et al.,* 2010–cvc–1217 (October 22, 2010).

[34] Id. at 4.

[35] Id. at 7.

[36] Reply Memorandum of Plaintiff Jean Schmidt in Support of Motion for Admission Pro Hac Vice for Bruce Fein, *Schmidt* v. *Krikorian, et al.,* 2010–cvc–1217 (November 11, 2010), at 13.

[37] *Id.* at 14.

[38] *Id.* at 14–15.

[39] *Id.* at 14.

[40] Order, Decision and Entry Denying Plaintiff's Motion to Admit Pro Hac Vice Bruce Fein, Esq., *Schmidt* v. *Krikorian, et al.,* 2010–cvc–1217 (April 4, 2011).

> First, the defense has raised a material issue as to *who(m)* is paying for the legal fees for Plaintiff Schmidt during the pendency of the Ohio Elections Commission [sic]. In an earlier deposition, Attorney Bruce Fein said that the Turkish American Legal Defense Fund ("TALDF") was paying for Schmidt's legal fees, and Plaintiff Schmidt denied that same statement. The issue of who is paying for these fees is material in regards to the matter before the Court.[41]

The Committee was unaware that Mr. Krikorian had opposed Mr. Fein's appearance in the case or of the basis for his objection. The Committee learned these facts in the spring of 2011 from news reports.

None of the lawyers associated with TALDF have submitted any bills to Representative Schmidt for any of the matters in which they represented her.[42] This was true even with regard to the five months that the lawyers associated with TALDF represented Representative Schmidt before she sought the Committee's guidance on how to pay for their legal services.[43] Mr. Bennett told the Committee that before Representative Schmidt initially sought the Committee's guidance in September 2009, she had intended to pay for her legal bills using campaign resources once the matter was complete.[44] While this appears to be potentially inconsistent with Mr. Bennett's deposition testimony in the matter before the Ohio Elections Commission,[45] he told the Committee that Representative Schmidt's practice in prior matters before the Ohio Elections Commission was to pay legal expenses at the end of the matter using campaign funds.[46] No written fee agreement had been entered into by Representative Schmidt's campaign for payment of the legal fees as of September 2009.

B. OCE AND COMMITTEE INVESTIGATIONS

OCE commenced its initial review of this matter on January 25, 2011.[47] OCE voted to initiate a second-phase review on February 22, 2011, and voted to extend the second-phase review on April 23, 2011.[48] OCE voted to refer the matter to the Committee on April 29, 2011, and transmitted its Report and Findings to the Committee on May 18, 2011.[49] Upon receipt of OCE's Report and Findings, the Committee sent a copy of the Report and Findings to Representative Schmidt and offered her an opportunity to respond. Representative Schmidt submitted a response to OCE's Report and Findings on May 27, 2011.[50]

The Committee conducted an independent investigation into the matters in the OCE referral pursuant to House Rule XI, clause 3(b)(1)(B)(ii), and Committee Rule 18(a), which authorizes the

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[41] *Id.* at 3.
[42] Schmidt Letter to Committee, May 27, 2011.
[43] Fein Tr. at 17.
[44] Bennett Tr. at 7.
[45] Bennett Deposition at 49 ("Q. And there's no ethics issue associated with Turkish American Legal Defense Funds paying for Ms. Schmidt's legal fees? A. No, not that I'm aware of."). See below on pages 11–12 for a further discussion of this potential inconsistency.
[46] Bennett Tr. at 17.
[47] *Report and Findings In the Matter of Representative Jean Schmidt*, OCE Review No. 11–6574, May 18, 2011.
[48] *Id.*
[49] *Id.*
[50] Schmidt Letter to Committee, May 27, 2011.

Chairman and Ranking Member to jointly gather additional information concerning such an alleged violation by a Member, officer, or employee unless and until an investigative subcommittee has been established.

The investigations by OCE and the Committee revealed that TALDF was first formed around 2007, but it is not an independent corporate entity.[51] Instead, TALDF is under the umbrella of TCA.[52] TCA is an Internal Revenue Code section 501(c)(3) organization, which has employed registered federal lobbyists under the Lobbying Disclosure Act in the past.[53] Lawyers associated with TALDF have represented between six and twelve clients in TALDF-related matters since its inception in 2007.[54] The lawyers associated with TALDF have had retainer agreements with each of these clients, except for Representative Schmidt.[55]

Mr. Fein and Mr. Saltzman are the primary attorneys associated with TALDF.[56] Occasionally, TALDF will use additional lawyers, if, for example, the representation requires local counsel.[57] Mr. Fein and Mr. Saltzman used local counsel in their work for Representative Schmidt.[58] Mr. Fein and Mr. Saltzman are not employees of TALDF or TCA, and they do not receive a salary from either entity.[59] They each work for their own law firms: Bruce Fein & Associates and Saltzman & Evinch, P.C., respectively.[60] This appears to be inconsistent with the statement in the reply brief supporting Mr. Fein's admission *pro hac vice* that Mr. Fein was a "senior counsel at the Turkish American Legal Defense Fund."[61]

Mr. Fein and Mr. Saltzman have never charged the people whom they have represented in their TALDF-related matters for their legal services.[62] Instead, Mr. Fein and Mr. Saltzman send monthly bills to TCA for their TALDF-related legal work through their respective law firms.[63] This is the standard arrangement for all TALDF-related legal work.[64] Occasionally, Mr. Fein and Mr. Saltzman will enter into what Mr. Fein described as a "contingency fee arrangement" with the people whom they have represented in their TALDF-related matters.[65] Under these agreements, TALDF and the individual represented by Mr. Fein and Mr. Saltzman agree to split the proceeds of any damage award received as a result of a lawsuit brought by Mr. Fein and Mr. Saltzman.[66] Because TALDF is not a separate corporate entity, its portion of any award would go to TCA.[67] In this context, however, the phrase "contingency fee" is a misnomer as Mr. Fein's and Mr. Saltzman's receipt of their fees is never contingent on the outcome of a matter, but

[51] Fein Tr. at 3.
[52] *Id.*
[53] 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.
[54] Fein Tr. at 6.
[55] *Id.* at 12–13.
[56] *Id.* at 3.
[57] *Id.*
[58] *Id.*
[59] *Id.*
[60] *Id.* at 4.
[61] *Id.* at 14–15.
[62] *Id.* at 9.
[63] *Id.* at 4.
[64] *Id.* at 5.
[65] *Id.* at 8.
[66] *Id.* at 9.
[67] *Id.*

would be paid as billed by Mr. Fein and Mr. Saltzman on an ongoing basis, regardless of the result of the action.[68] It was this arrangement that Mr. Fein suggested to Representative Schmidt in 2009,[69] and for which Representative Schmidt sought Committee approval. The Committee did not understand the nature of the misnamed "contingency fee" arrangement until its interview of Mr. Fein following the referral of the matter by OCE.

Both Representative Schmidt and Mr. Bennett told the Committee that she was never made aware of this payment arrangement with TCA, and Mr. Fein confirmed that he never discussed the payment arrangement with Representative Schmidt or any member of her staff.[70] Thus, the evidence suggests that Representative Schmidt did not have knowledge of the details of TCA's financial relationship with Mr. Fein and Mr. Saltzman, or the fact that the contingency fee proposal did not actually cover the lawyer's fees, at any time prior to the Committee's discovery of the relationship following the referral of the matter by OCE. The fact of the payment arrangement was material to the Committee's guidance on this matter, and if the Committee had given Representative Schmidt guidance without being aware of this arrangement, the guidance would not have been correct or binding on the Committee.[71]

Mr. Bennett told the Committee that he never viewed a contingency fee arrangement to be a realistic possibility.[72] Instead, Mr. Bennett stated that in Representative Schmidt's prior matters before the Ohio Elections Commission, the ordinary practice had been for the law firm representing Representative Schmidt to not provide monthly or quarterly bills, but instead to submit one bill at the end of the proceeding.[73] Mr. Bennett stated that he had no reason to suspect that the billing arrangement for this matter would be any different.[74] This appears to be inconsistent with Mr. Bennett's deposition testimony in the matter before the Ohio Elections Commission.[75] However, during the Committee's independent investigation, he explained that he never meant to imply that Representative Schmidt was not planning to pay the lawyers' fees.[76] Instead, Mr. Bennett stated:

> No. I take from [the deposition testimony] that [TALDF] were clearly covering costs, like any law firm would cover costs. And then you get a bill. You know, every lawyer I know gets paid every 2 weeks whether or not his client has paid or not. So I take that to mean yes, you know, they are covering these costs or whatever, and they are going to bill us for them. Now it's illogical that I could ever think that they were going to do this for free . . . [b]ecause it

[68] *Id.*
[69] *Id.* at 31.
[70] Fein Tr. at 17–18; Bennett Tr. at 17.
[71] *See* House Comm. on Standards of Official Conduct, *In the Matter of the Investigation into Officially Connected Travel of House Members to Attend the Carib News Foundation Multinational Business Conferences in 2007 and 2008*, H. Rep. 111–422, 111th Cong., 2d Sess. 2 (2010).
[72] Bennett Tr. at 19.
[73] *Id.* at 5.
[74] *Id.*
[75] Bennett Deposition at 49 ("Q. And there's no ethics issue associated with Turkish American Legal Defense Funds paying for Ms. Schmidt's legal fees? A. No, not that I'm aware of.").
[76] Bennett Tr. at 22.

> would clearly be either use of House money to furtherance [sic] your official capacity, an illegal campaign contribution, or some hybrid of both.[77]

III. FINDINGS AND CONCLUSIONS

Following the Committee's investigation and nearly two years of guidance to Representative Jean Schmidt through the Committee's Office of Advice and Education, the Committee reached the following findings and conclusions.

A. COMMITTEE'S RESPONSE TO REQUESTS FOR GUIDANCE

Based on Representative Schmidt's statements to the Committee, the evidence gathered by OCE, and the Committee's independent investigation, the Committee approved the use of funds from the Jean Schmidt Legal Expense Trust to pay legal bills incurred in connection with Representative Schmidt's complaint before the Ohio Elections Commission and the defamation action, subject to certain restrictions discussed below. However, the Committee denied the use of funds from the Jean Schmidt Legal Expense Trust to pay legal bills incurred in connection with amicus briefs filed in *Krikorian* v. *Ohio Elections Commission.* Additionally, the Committee has determined that Representative Schmidt's use of campaign funds to pay for the Ohio Elections Commission matter, the defamation action, and the amicus briefs filed in the *Krikorian* v. *Ohio Elections Commission* matter would not violate the House rules, subject to the restrictions below. However, the Committee advised Representative Schmidt to consult with the Federal Election Commission before using campaign funds for any of these purposes.[78] Finally, the Committee denied permission to enter into the so-called "contingency fee" arrangement.

1. Legal Expense Trust Fund

a. Legal background

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 Ethics."[79] Under the Committee's Legal Expense Fund Regulations (LEF Regulations), a Member may not receive or solicit donations to such a fund without prior approval of the trust agreement by the Committee.[80]

Under the Committee's LEF 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 Ethics Committee);
- A criminal prosecution; or

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[77] *Id.*

[78] The legal services provided by the lawyers associated with TALDF were not provided on a *pro bono* basis, and were not contingent on the outcome of the case. Thus, the Committee does not express an opinion on whether the services could be provided on a *pro bono* basis or under a contingency fee agreement, as the underlying facts would not support either arrangement.

[79] *See* House Rule 25, clause 5(a)(3)(E). *See generally 2008 House Ethics Manual* at 63–65.

[80] LEF Regulations ¶¶1, 11.

- A civil matter bearing on the individual's reputation or fitness for office.[81]

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.[82] 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;[83]
- 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;[84]
- Trust funds may be used only to pay legal expenses, or the expenses incurred in soliciting for or administering the trust;[85]
- 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;[86]
- Excess funds must be returned to the contributors;[87] 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.[88]

Once a legal expense trust agreement has been approved by the Committee, the Member must file an executed copy with the Legislative Resource Center of the Office of the Clerk, for placement on the public record.[89] In addition, Members must file quarterly reports on the public record regarding certain contributions and expenditures under the LEF Regulations.[90]

b. Analysis

The trustee named in the agreement for the Jean Schmidt Legal Expense Trust is Mr. Larry Neuman, Esq., of Cincinnati, Ohio. According to Representative Schmidt's representations to the Committee, Representative Schmidt has no family, business, or employment relationship with Mr. Neuman. Representative Schmidt's representations to the Committee further indicate that the trust funds will be used to pay legal expenses incurred in connection with a legal action directly related to Representative Schmidt's candidacy for federal office in 2008 and matters bearing upon her reputation and fitness for office. Recital A of the trust agreement indicates that the purpose of the Legal Expense Fund is to pay expenses incurred in connection with Representative Schmidt's official duties and position in Congress and matters bearing on her reputation and fitness for office. Pursuant to Representative Schmidt's cor-

[81] LEF Regulations ¶2.
[82] LEF Regulations ¶3.
[83] LEF Regulations ¶11.
[84] LEF Regulations ¶¶5–6.
[85] LEF Regulations ¶7.
[86] LEF Regulations ¶¶8–9.
[87] LEF Regulations ¶7.
[88] LEF Regulations ¶11.
[89] LEF Regulations ¶12.
[90] LEF Regulations ¶13.

respondence with the Committee, it is the Committee's understanding that the specific purpose of the trust is to pay legal expenses that Representative Schmidt incurred by filing a complaint with the Ohio Elections Commission regarding false campaign statements and her amicus filing in *Krikorian* v. *Ohio Elections Commission.*

The Committee therefore approved the use of funds from the Jean Schmidt Legal Expense Trust provided by Representative Schmidt to pay for the legal expenses incurred in filing the complaint before the Ohio Elections Commission and the appeal of that decision in the Ohio state courts.

The Committee denied the use of funds from the Jean Schmidt Legal Expense Trust to pay for legal costs incurred filing amicus briefs in the federal court action. At its core, Mr. Krikorian's legal action was a constitutional challenge to a state statute. Mr. Krikorian wanted permission to utter any statement regarding any opponent in the course of an election campaign because he viewed it as political speech. As Representative Schmidt noted in the Complaint in her defamation action, Mr. Krikorian also made controversial statements regarding his opponent during the course of the 2010 Democratic primary campaign. If Mr. Krikorian's case had survived, the Court would ultimately have decided if the statute was constitutional and if it was preempted by federal law. Representative Schmidt's 2008 election and the statements Mr. Krikorian made about her were only relevant in this matter as factual background, and they were not part of the core legal issues to be decided. As a result, the legal expenses related to this matter were not incurred adjudicating matters in connection with her candidacy for office, her official duties, or her reputation and fitness for office, and a legal expense trust may not be used.

Representative Schmidt's defamation action is related to her election for office and reputation and fitness as a Member of Congress. As a result, Representative Schmidt met the first criterion to use a legal expense fund under the LEF Regulations and House Rules. There is, however, a challenge to using a legal expense fund to pay expenses related to the defamation case in that Representative Schmidt is seeking monetary damages in her personal capacity. Seeking monetary damages makes it appear as if the suit is personal in nature. The Committee believes this defect can be cured.

The Committee will approve Representative Schmidt's use of a legal expense fund to pay for expenses related to the defamation action under the following conditions: (1) any damages award will first be used to defray the cost of litigation; (2) any remaining damages award will be used to repay donors to the Jean Schmidt Legal Expense Trust; (3) any additional amount will be donated to a nonprofit organization organized under § 501(c)(3) of the Internal Revenue Code; and (4) Representative Schmidt represents to the Committee in writing that she will receive no direct or indirect financial benefit from the lawsuit.[91]

In accordance with paragraph 12 of the LEF Regulations, Representative Schmidt must file a copy of the executed trust agreement with the Legislative Resource Center (B–106 Cannon House

[91] *See* Federal Election Commission, AO 1997–27, at 3 (February 23, 1998). "For example, to the extent that the effect of the charitable deduction would provide more that 100 percent offset to the additional taxable income, that part of the deduction may not be taken."

Office Building) within one week of Committee approval. In accordance with LEF Regulation 13, Representative Schmidt (not the trustee) is responsible for filing quarterly reports with the Committee regarding certain receipts and expenditures. The original version of Representative Schmidt's quarterly reports must be filed with the Committee and a copy must also be filed with the Legislative Resource Center for public disclosure. In addition to the quarterly reports, any contributions of more than $350 in a calendar year from a single source (other than a relative) must also be disclosed on Schedule VI of Representative Schmidt's annual Financial Disclosure Statement.

2. Campaign Funds

a. Legal background

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 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)).[92] 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."[93]

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.[94]

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

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[92] *See* Comm. on Standards of Official Conduct, Advisory Opinion No. 6, *reprinted in* Appendix to *2008 House Ethics Manuat* at 375, 376.

[93] House Select Comm. on Ethics, *Final Report*, H. Rep. 95–1837, 95th Cong., 2d Sess. 16 (1979).

[94] *See 2008 House Ethics Manual* at 156–57.

campaign and official duties, interpretation of FEC regulations is outside this Committee's jurisdiction. As a result, the Committee traditionally encourages all Members to consult with the FEC to determine whether use of campaign funds is permissible under the applicable law and regulations.

b. Analysis

The Ohio Elections Commission matter and Representative Schmidt's defamation action are related to her election for office and reputation and fitness as a Member and, as a result, Representative Schmidt met that criterion to use campaign funds under the House rules. With respect to the defamation matter, however, Representative Schmidt faces the same challenge to using campaign funds to pay expenses that she has with the use of a legal expense fund in that Representative Schmidt is seeking monetary damages in her personal capacity. Seeking monetary damages makes it appear as if Representative Schmidt would be converting campaign funds for her personal use.

The Committee notes that in 1998, Representative John Boehner sought an opinion from the FEC regarding the use of campaign funds to pay for legal expenses incurred in connection with his lawsuit against Representative James McDermott, in which he was seeking monetary damages.[95] The FEC permitted Representative Boehner to pay his legal expenses with campaign funds under the following conditions: (1) any damages award first defrayed the cost of litigation; (2) any additional amount be donated to charity; and (3) Representative Boehner had to represent he would receive no direct or indirect financial benefit from the lawsuit.[96]

The Committee notes that Representative Schmidt may be able to reach a similar arrangement with the FEC in this instance. Committee staff has been informed by FEC staff that that they do not provide the advisory opinion given to Representative Boehner to other individuals because it is so fact specific that it should not be relied on by anyone other than Representative Boehner. As a result, the Committee strongly urges Representative Schmidt to seek an advisory opinion from the FEC before using campaign funds to pay legal expenses related to the defamation action.

With respect to the amicus brief filed in *Krikorian* v. *Ohio Elections Commission*, although the Committee does not perceive that matter as either pertaining to Representative Schmidt's candidacy for federal office or bearing on her reputation and fitness for office, this view may not be shared by the FEC and would not foreclose Representative Schmidt's ability to seek an FEC advisory opinion regarding whether one may use campaign funds to pay for legal expenses related to this matter. If Representative Schmidt wanted to proceed with using campaign funds to pay for this action, the Committee strongly urges Representative Schmidt to seek an advisory opinion from the FEC before doing so.

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[95] *See* Federal Election Commission, AO 1997–27 (February 23, 1998).

[96] *See id.* at 3. "For example, to the extent that the effect of the charitable deduction would provide more that 100 percent offset to the additional taxable income, that part of the deduction may not be taken."

B. COMMITTEE'S DISPOSITION OF THE OCE REFERRAL

Based on the evidence examined by the Committee, it appears that the arrangement whereby the lawyers associated with TALDF sent bills for their legal representation of Representative Schmidt to TCA, which TCA then paid, constituted an improper gift from TCA to Representative Schmidt. According to OCE's referral, between 2008 and 2010 TCA actually paid the TALDF lawyers approximately $500,000 for legal services provided to Representative Schmidt. Neither the Committee nor, according to the evidence, Representative Schmidt was aware of these payments when the Committee provided advice to Representative Schmidt regarding her options for paying legal fees in the various proceedings.

Thus, the Committee will not dismiss the allegations in the OCE referral. As explained below, however, the Committee does not see the need to empanel an investigative subcommittee at this time. The Committee does not believe that further fact-gathering is necessary, and, given the evidence that Representative Schmidt did not know of the payment arrangement between TCA and the lawyers associated with TALDF, the Committee does not believe that any sanction is necessary.

However, in order to remedy the actual, even if unknown, receipt of an impermissible gift, both disclosure and repayment of the gift are necessary. Thus, Representative Schmidt must ensure that TCA does not pay for any additional future legal services on her behalf. In addition, subject to the guidance below, Representative Schmidt must pay the lawyers associated with TALDF, from a permissible source, for all legal services they have performed on her behalf to date. Furthermore, this remedy will only be sufficient if Mr. Fein and Mr. Saltzman and any other attorney who was actually paid with TCA funds, first agree that, as Representative Schmidt pays them directly, they will repay to TCA the fees TCA originally paid to them for their representation of Representative Schmidt. Such an agreement must be in writing and submitted to the Committee. Representative Schmidt must also amend her annual Financial Disclosure Statements for calendar years 2009 and 2010 to disclose the gifts from TCA. Finally, Representative Schmidt must disclose any gifts from TCA on her future Financial Disclosure Statements, until the lawyers associated with TALDF have been repaid in full.[97]

1. Improper Gift

As noted above, Members may not accept any gift, except as specifically permitted by House rules.[98] The definition of gift expressly includes gifts of services, and thus the value of legal services provided to a Member at no cost would be deemed to be a gift under the gift rule.[99] Each time TCA paid the legal fees of the lawyers associated with TALDF in connection with their representation of Representative Schmidt, that payment was a gift to her. There is

[97] It is not necessary for Representative Schmidt to file an actual amended Financial Disclosure Statement. Instead, it would be acceptable for her to submit a letter to the Clerk detailing the source, description, and value of the legal services. This is an option available to any filer when amending their Financial Disclosure Statement.

[98] House Rule 25, cl. 5(a)(1)(A)(i); see also House Rule 23, cl. 4.

[99] 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).

no exception to the gift rule that would permit Representative Schmidt to accept this gift, and thus this arrangement was a violation of House Rules. Indeed, even if Representative Schmidt had reimbursed TCA the next day for its payment to the lawyers associated with TALDF for their representation of her, TCA's payments would be considered a loan, and thus an improper gift.

However, the evidence indicates that Representative Schmidt did not have knowledge of the specific payment arrangement between TCA and the lawyers associated with TALDF. Both Representative Schmidt and Mr. Bennett told the Committee that she was never made aware of the payment arrangement, and Mr. Fein confirms that he never discussed the payment arrangement with Representative Schmidt or any member of her staff.[100] Furthermore, the Committee has not seen any document suggesting that Representative Schmidt or her staff knew of the payment arrangement.

The Committee further notes, however, that none of the lawyers associated with TALDF submitted any bills to Representative Schmidt. This was true even during the five months that the lawyers associated with TALDF represented Representative Schmidt before she sought the Committee's guidance on how to pay for their legal services.[101] Mr. Fein stated that he has never billed the individuals he represents in TALDF-related matters, and that he always submits those legal bills to TCA. Mr. Fein further stated it was his intention not to charge Representative Schmidt for the TALDF-related legal services, and that instead, TALDF would accept half of any damages award she received, as part of a "contingency fee" arrangement.[102] Mr. Bennett, however, stated that he never viewed a contingency fee arrangement to be a realistic possibility.[103] Instead, Mr. Bennett stated that in Representative Schmidt's prior matters before the Ohio Elections Commission, the practice had been for the law firm representing Representative Schmidt to not provide monthly or quarterly bills, and instead to submit one bill at the end of the proceeding.[104] Mr. Bennett stated that he had no reason to suspect that this matter would be any different.[105]

The Committee is troubled that the lawyers associated with TALDF never disclosed their payment arrangement with TCA to Representative Schmidt. Such disclosure likely would have made this investigation unnecessary. While the Committee believes that the payment arrangement between TCA and Representative Schmidt's lawyers should have been disclosed from the beginning of their representation of her, the Committee is particularly concerned that Representative Schmidt's lawyers did not disclose the payment arrangement to her even after Mr. Krikorian's lawyers raised the issue of TALDF providing Representative Schmidt free legal services, or after the Ohio Court of Common Pleas denied Mr. Fein's motion to be admitted *pro hac vice*.

These legal maneuverings should have prompted Representative Schmidt's lawyers to have a fuller discussion with her regarding the payment arrangements for their legal services. However, it

[100] Fein Tr. at 17–18.
[101] *Id.* at 17.
[102] *Id.* at 31.
[103] Bennett Tr. at 17.
[104] *Id.*
[105] *Id.*

does not appear that Mr. Krikorian's allegations that TALDF was offering free legal services should have put Representative Schmidt on notice that her lawyers were not employees of TALDF or TCA and were instead outside counsel submitting regular bills to TCA. Mr. Krikorian only asserted that Representative Schmidt's arrangement with her lawyers was improper because her lawyers had not yet provided Representative Schmidt with a legal bill. And when Mr. Krikorian made this allegation in the depositions of Mr. Fein and Mr. Bennett, Representative Schmidt appropriately responded by seeking the guidance of the Committee. Thus, Representative Schmidt was aware that she had not yet received a bill because she was working in good faith with the Committee to ascertain the appropriate means by which to pay her attorneys. Further, Mr. Fein and Representative Schmidt's other lawyers did not state that they were not employees of TALDF or TCA and were instead outside counsel submitting regular bills to TCA. Instead, they specifically asserted that they were "senior counsel at the Turkish American Legal Defense Fund[.]"[106] This statement appears to be inconsistent with the fact that Representative Schmidt's lawyers were not employees of TALDF or TCA and were instead outside counsel submitting regular bills to TCA.

The Committee notes that Representative Schmidt never finalized an engagement agreement with the lawyers associated with TALDF, including in the five months before she sought the Committee's guidance.[107] Such an agreement may have provided further clarity regarding the relationships between Representative Schmidt's lawyers, TALDF, and TCA. It would have been preferable, in this case, for Representative Schmidt to have (1) entered into a written agreement with her lawyers at the beginning of each matter; or (2) absent such an agreement, inquired of her lawyers about the payment for ongoing legal services. It is for this reason, among others, that the Committee strongly encourages all Members to enter into written agreements with lawyers representing Members, and for Members to seek the guidance of both the Committee and the FEC before spending campaign funds on legal representation.[108]

Even if Representative Schmidt did not know that TCA was paying these legal fees on her behalf, the payments still constituted gifts to her. The Committee was not aware that TCA was paying legal fees on Representative Schmidt's behalf until it conducted an independent investigation following the OCE referral. If the Committee had given Representative Schmidt guidance regarding the payment of these legal expenses based on an incorrect understanding of the nature of the fee arrangement, the Committee's guidance would have been invalid and would not have protected Representative Schmidt from a charge that she received an improper gift.[109]

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[106] *Id.* at 14–15.

[107] The Committee notes that shortly after Mr. Krikorian's lawyers raised the issue of TALDF (not TCA) providing free legal services to Representative Schmidt, she sought the guidance of the Committee regarding this issue.

[108] *2008 House Ethics Manual* at 157.

[109] See House Comm. on Standards of Official Conduct, *In the Matter of the Investigation into Officially Connected Travel of House Members to Attend the Carib News Foundation Multinational Business Conferences in 2007 and 2008,* H. Rep. 111–422, 111th Cong., 2d Sess. 2 (2010).

Representative Schmidt and her staff have consistently stated that it is her intention to pay the legal fees of the lawyers associated with TALDF.[110] The Committee has now given her guidance on permissible methods to pay for the TALDF-related legal fees.[111] While it was appropriate for Representative Schmidt not to pay the legal fees while she was waiting for guidance from the Committee, those fees must now be paid. Furthermore, because it is inappropriate for TCA to pay legal fees on Representative Schmidt's behalf and then be reimbursed by her, Representative Schmidt's payments must be made directly to the lawyers associated with TALDF for all fees incurred in their representation of her.

The Committee recognizes that the lawyers associated with TALDF have been representing Representative Schmidt for more than two years, in at least three different legal proceedings, and the legal fees for this work are substantial. For this reason, the Committee does not expect Representative Schmidt to fully pay the lawyers associated with TALDF immediately. However, Representative Schmidt must ensure that TCA does not make any further payments on her behalf to the lawyers associated with TALDF, and Representative Schmidt must begin paying the lawyers associated with TALDF as soon as funds are available. Furthermore, this remedy will only be sufficient if Mr. Fein and Mr. Saltzman and any other attorney actually paid with TCA funds, first agree to repay all TCA funds as they receive Representative Schmidt's payments. Additionally, the Committee notes that it did not approve the use of LEF funds for fees related to the amicus brief. Thus, Representative Schmidt must pay for any fees the attorneys billed and TCA paid for work on the amicus brief using appropriate funds other than the LEF funds. She must pay those fees immediately and provide the Committee with a cancelled check as proof of payment of the legal services related to the amicus brief. Until Representative Schmidt has paid the lawyers associated with TALDF for all fees originally paid by TCA, Representative Schmidt must disclose on Schedule V of her annual Financial Disclosure Statement all outstanding TALDF-related fees which were originally paid by TCA.

2. Disclosure of Improper Gifts

The Ethics in Government Act (EIGA) requires disclosure of gifts received during the year, from someone other than a relative, whose aggregate value exceeds "minimal value," as defined by that statute. For 2009 and 2010, "minimal value" was defined as $335, but gifts valued below $134 need not be counted towards the limit.[112] This disclosure is made on Schedule VI of a Member's annual Financial Disclosure Statement. TCA's payment of legal services on Representative Schmidt's behalf was a gift whose aggregate value exceeded $335. These payments were not disclosed on Representative Schmidt's Financial Disclosure Statements covering calendar years 2009 and 2010. Given that Representative Schmidt

[110] 41 CFR § 102–42.10 (2011).

[111] The Committee notes that Representative Schmidt would also be permitted to pay for any of these legal services with her own personal funds.

[112] Minimal value for purposes of disclosure under EIGA is the same as that for the Foreign Gifts and Decorations Act, 5 U.S.C. § 7342(a)(5). Pursuant to that statute, the General Services Administration sets the minimal value every three years. Minimal value for calendar years 2008 until 2011 was $335. *See* 73 Fed. Reg. 7475 (Feb. 8, 2008). Minimal value for calendar years 2011 until 2014 is $350. *See* 76 Fed. Reg. 30551 (May 26, 2011).

was not aware of the gifts, it is not surprising that she did not disclose them. However, now that Representative Schmidt is aware of the gifts, she must amend her Financial Disclosure Statements to disclose the payments by TCA of legal services on her behalf.

The Committee directed the Chairman, upon providing the notices required pursuant to House Rule XI, clause 3(b)(8)(A), and Committee Rule 17A(b)(2), to file this Report with the House, and copies of OCE's Report and Findings in this matter, along with any response filed, all of which are made a part of this Report and appended hereto.[113] The filing of this Report, along with its publication on the Committee's Web site, shall serve as publication of OCE's Report and Findings in this matter, pursuant to House Rule XI, clause 3(b)(8)(A), and Committee Rule 17A(b)(3) and 17A(c)(2).

IV. STATEMENT UNDER RULE 13, CLAUSE 3(c) OF THE RULES OF THE HOUSE OF REPRESENTATIVES

The Committee made no special oversight findings in this Report. No budget statement is submitted. No funding is authorized by any measure in this Report.

[113] *See* House Rule XI, clauses 3(a)(2) and 3(b).

APPENDIX A

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

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

CONFIDENTIAL

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

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

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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

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")[1] 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.

[1] The Committee on Standards of Official Conduct was renamed the Committee on Ethics in the 112th Congress.

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 2nd 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."[2] 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.[3] 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.[4] The second-phase review was scheduled to end on April 9, 2011.

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[2] H. Res. 895, 110th Cong. §1(e), as amended (the "Resolution").

[3] 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.

[4] 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.

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]."*

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)."*[5]

18. *"Pro bono legal assistance for other purposes shall be deemed a contribution subject to the restrictions of these regulations."*[6]

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 . . . ."*[7]

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.[8] The purpose of TALDF is to protect the legal rights of Turkish Americans.[9] TALDF works primarily on defamation and free speech matters.[10]

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[5] 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).

[6] *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.*

[7] 5 U.S.C. app. 4, § 102(a)(2)(A).

[8] 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).

[9] TALDF Lawyer 1 MOI (Exhibit 2 at 11-6574_0006); TCA President MOI (Exhibit 3 at 11-6574_0012).

[10] TALDF Lawyer 1 MOI (Exhibit 2 at 11-6574_0007); TCA President MOI (Exhibit 3 at 11-6574_0012).

22. TALDF provides legal services to its clients on a *pro bono* basis.[11] The entity is funded by the TCA.[12]

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.[13] The TALDF lawyers do not receive any portion of a damage award.[14]

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.[15] TALDF Lawyer 2 is employed at the law firm of Saltzman & Evinch, P.C.[16]

25. TALDF Lawyer 3 is local counsel in Ohio for Representative Schmidt and is employed at the law firm of Chester, Willcox & Saxbe.[17]

26. The TALDF lawyers are similar to independent contractors for TALDF.[18] Each law firm bills TCA an hourly rate for legal services performed on behalf of TALDF.[19] TCA pays for the services.[20]

27. TCA retained a registered lobbyist in 2008 until the lobbyist, George Hochbrueckner, terminated the registration effective December 31, 2008.[21]

28. The TCA President told the OCE that he is the head of TCA's congressional outreach group.[22] 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.[23]

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[11] TALDF Lawyer 1 MOI (Exhibit 2 at 11-6574_0007); TCA President MOI (Exhibit 3 at 11-6574_0012).
[12] TALDF Lawyer 1 MOI (Exhibit 2 at 11-6574_0007); TCA President MOI (Exhibit 3 at 11-6574_0012).
[13] TALDF Lawyer 1 MOI (Exhibit 2 at 11-6574_0007).
[14] *Id.*
[15] *Id.* at 11-6574_0006.
[16] Memorandum of Interview of TALDF Lawyer 2, March 28, 2011 ("TALDF Lawyer 2 MOI") (Exhibit 4 at 11-6574_0016).
[17] TALDF Lawyer 3 Response to OCE Request for Information, dated February 11, 2011 ("TALDF Lawyer 3 RFI Response") (Exhibit 5 at 11-6574_0020).
[18] TALDF Lawyer 1 MOI (Exhibit 2 at 11-6574_0006).
[19] *Id.*
[20] *Id.*
[21] George J. Hochbrueckner & Associates, Inc. Lobbying Report for TCA dated January 15, 2009 (Exhibit 6 at 11-6574_0027).
[22] TCA President MOI (Exhibit 3 at 11-6574_0011-0012).
[23] *Id.* at 11-6574_0011.

29. The TCA President told the OCE that he has not registered as a lobbyist because he only educates legislators.[24]

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.[25]

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

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

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.[29]

34. He introduced himself and offered to provide her with information about the Armenian genocide issue.[30]

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.[31]

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.[32]

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[24] *Id* at 11-6574_0012.
[25] 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).
[26] Memorandum of Interview of Representative Schmidt's Chief of Staff, April 6, 2011 ("Chief of Staff MOI") (Exhibit 12 at 11-6574_0163).
[27] *Id.* at 11-6574_0164.
[28] *Id.*
[29] TCA President MOI (Exhibit 3 at 11-6574_0012).
[30] *Id.*
[31] *Id.* at 11-6574_0012-0013.
[32] *Id* at 11-6574_0013.

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.[33]

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.[34] 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.[35]

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.[36]

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."[37]

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.[38]

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.[39] She alleged in the case that Mr. Krikorian made false statements about

[33] Chief of Staff MOI (Exhibit 12 at 11-6574_0165).
[34] *Id* at 11-6574_0164.
[35] TCA President MOI (Exhibit 3 at 11-6574_0013).
[36] Chief of Staff MOI (Exhibit 12 at 11-6574_0164).
[37] TALDF Requests Criminal Investigation in Ohio, November 3, 2008, http://www.taldf.org/ohio.html (Exhibit 14 at 11-6574_0172).
[38] TALDF Lawyer 1 MOI (Exhibit 2 at 11-6574_0007)
[39] 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).

her during the 2008 campaign that violated the Ohio state law prohibiting unfair political campaign activities.[40]

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

45. The amount of fees and expenses and legal services for 2008 was approximately $3,905.[43]

46. TCA paid the TALDF lawyers for the legal services performed on behalf of Representative Schmidt.[44]

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.[45]

48. The lawyers filed an additional complaint with the Ohio Election Commission on behalf of Representative Schmidt on July 21, 2009.[46]

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

50. In 2009, the lawyers also represented Representative Schmidt in Mr. Krikorian's appeals of the Ohio Election Commission decision.[48]

51. The TALDF lawyers billed their 2009 legal services on behalf of Representative Schmidt to TCA.[49]

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[40] *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).
[41] TALDF Lawyer 2 Invoices (Exhibit 10 at 11-6574_0065); TALDF Lawyer 3 Invoices (Exhibit 11 at 11-6574_0074-0075).
[42] 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).
[43] TALDF Lawyer 2 Invoices (Exhibit 10 at 11-6574_0065); TALDF Lawyer 3 Invoices (Exhibit 11 at 11-6574_0076-0077).
[44] TCA President MOI (Exhibit 3 at 11-6574_0012).
[45] Initial OEC Complaint (Exhibit 15 at 11-6574_0175-0178).
[46] *Jean Schmidt v. Mr. David Krikorian*, Ohio Election Commission Case No. 2009E-012, July 21, 2009 (Exhibit 16 at 11-6574_0180-0182).
[47] Letters from Ohio Election Commission to Bruce Fein, dated November 13, 2009 (Exhibit 17 at 11-6574_0184-0187).
[48] 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).

52. The amount of fees and expenses and legal services for 2009 was approximately $289,280.[50]

53. TCA paid the TALDF lawyers for the 2009 legal services performed on behalf of Representative Schmidt.[51]

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.[52] The suit challenged whether the Ohio Election Commission had the right to make its findings in the 2009 matters concerning Representative Schmidt.[53] Representative Schmidt was not named as a party to the lawsuit.[54]

55. The TALDF lawyers later filed an amicus brief on behalf of Representative Schmidt in the case.[55]

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.[56]

57. Mr. Krikorian's federal lawsuit against the Ohio Election Commission was dismissed on October 19, 2010.[57]

58. The TALDF lawyers billed their 2010 legal services on behalf of Representative Schmidt to TCA.[58]

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[49] 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).

[50] 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).

[51] *See* TCA President MOI (Exhibit 3 at 11-6574_0012).

[52] *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.

[53] TALDF Lawyer 2 RFI Response (Exhibit 9 at 11-6574_0062).

[54] *Id.*

[55] *Id.*

[56] *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).

[57] TALDF Lawyer 2 RFI Response (Exhibit 9 at 11-6574_0062).

59. The amount of fees and expenses and legal services for 2010 was approximately $205,401.[59]

60. TCA paid the TALDF lawyers for the 2010 legal services performed on behalf of Representative Schmidt.[60]

2011 Legal Services

61. Representative Schmidt's defamation lawsuit against Mr. Krikorian continues in 2011.[61]

62. The TALDF lawyers are currently providing legal services and TCA is paying for the legal services.[62]

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.[63]

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.[64]

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."[65] Representative Schmidt's Chief of Staff answered that he had not made such a filing.[66]

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[58] 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).
[59] 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).
[60] *See* TCA President MOI (Exhibit 3 at 11-6574_0012).
[61] TALDF Lawyer 1 RFI Response (Exhibit 7 at 11-6574_0030).
[62] *Id.*; *See* TCA President MOI (Exhibit 3 at 11-6574_0012).
[63] Representative Schmidt MOI (Exhibit 13 at 11-6574_0169); Chief of Staff MOI (Exhibit 12 at 11-6574_0165-0166).
[64] Chief of Staff MOI (Exhibit 12 at 11-6574_0164).
[65] Deposition of Barry P. Bennett, dated August 31, 2009 (Exhibit 20 at 11-6574_0247).
[66] *Id.*

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."[67]

67. On January 21, 2010, Representative Schmidt amended her request for guidance "due to changed circumstances" since the original letter.[68]

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."[69]

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]."[70]

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."[71]

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."[72]

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

[67] Letter from Representative Schmidt to Chairwoman Zoe Lofgren, dated September 17, 2009 (Exhibit 21 at 11-6574_0270).
[68] Letter from Chair Lofgren and Ranking Member Bonner to Representative Schmidt, dated February 26, 2010 ("Advisory Opinion") (Exhibit 22 at 11-6574_0273).
[69] Letter from Chair Lofgren and Ranking Member Bonner to Representative Schmidt, dated February 26, 2010 ("Advisory Opinion") (Exhibit 22 at 11-6574_0274).
[70] *Id.* at 11-6574_0273.
[71] *Id.* at 11-6574_0277.
[72] *Id.* at 11-6574_0279.

relevant and material facts were not completely and accurately disclosed to the Committee at the time the opinion was issued."[73]

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*."[74]

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.[75]

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."[76]

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;[77] (2) Representative Schmidt's lawyers sent their bills to TCA;[78] and (3) TCA had paid Representative Schmidt's lawyers approximately $293,000 for services received in 2008 and 2009.[79]

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[73] *Id.*
[74] *Id.* at 11-6574_0277(emphasis added).
[75] *Id.* at 11-6574_0274.
[76] *Id.*
[77] 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).
[78] 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).
[79] 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).

78. The President of TCA told the OCE that TCA pays all of the legal expenses for TALDF from its general operating account.[80]

79. The TALDF lawyers are employed by separate law firms.[81] Each law firm submits its legal bills to TCA.[82]

80. TCA pays for the legal fees and expenses for each attorney performing legal services for Representative Schmidt.[83]

81. TALDF provides free legal services to all of its clients.[84] TCA pays the TALDF lawyers for their services.[85]

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.[86] TCA pays for their legal fees.[87]

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.[88]

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."[89]

85. The TCA President told the OCE that he does not bill anyone for the payments that TCA gives to TALDF.[90] TCA has never sought reimbursement for such expenses.[91]

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[80] *See* TCA President MOI (Exhibit 3 at 11-6574_0012).
[81] 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).
[82] 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).
[83] *See* TCA President MOI (Exhibit 3 at 11-6574_0012).
[84] TALDF Lawyer 1 MOI (Exhibit 2 at 11-6574_0007).
[85] *Id.*; TALDF Lawyer 2 MOI (Exhibit 4 at 11-6574_0017-0018); TCA President MOI (Exhibit 3 at 11-6574_0012).
[86] TALDF Lawyer 1 MOI (Exhibit 2 at 11-6574_0007); TALDF Lawyer 2 MOI (Exhibit 4 at 11-6574_0017-0018).
[87] TCA President MOI (Exhibit 3 at 11-6574_0012).
[88] TALDF Lawyer 1 MOI (Exhibit 2 at 11-6574_007-008); TALDF Lawyer 2 MOI (Exhibit 4 at 11-6574_0018).
[89] Deposition of Bruce Fein, dated August 31, 2009 (Exhibit 23 at 11-6574_0310).
[90] TCA President MOI (Exhibit 3 at 11-6574_0012).
[91] *Id.*

86. The TCA President explained that he has not had conversations with Representative Schmidt about payments for the legal services.[92]

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.[93] 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.[94]

89. Based on these invoices, the lawyers charged legal fees and expenses totaling approximately $498,587.[95]

90. According to the lawyers, they have received payment for the fees and expenses.[96] According to the TCA President, TCA paid for these expenses.[97]

91. Representative Schmidt's defamation suit against Mr. Krikorian is ongoing in 2011 and the TALDF lawyers are representing her in this matter.[98]

92. Representative Schmidt has not received any invoice for these services and TCA never intended to send her an invoice for these services.[99] TCA paid for the services out of its general operating budget in the same manner that it pays for all TALDF clients.[100]

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[92] *Id.*
[93] Representative Schmidt MOI (Exhibit 13 at 11-6574_0169).
[94] 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).
[95] 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).
[96] TALDF Lawyer 1 MOI (Exhibit 2 at 11-6574_0007-0008); TALDF Lawyer 2 MOI (Exhibit 4 at 11-6574_0017).
[97] TCA President MOI (Exhibit 3 at 11-6574_0012).
[98] TALDF Lawyer 1 RFI Response (Exhibit 7 at 11-6574_0030).
[99] TCA President MOI (Exhibit 3 at 11-6574_0013); TALDF Lawyer 1 MOI (Exhibit 2 at 11-6574_0007).
[100] TCA President MOI (Exhibit 3 at 11-6574_0012).

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."[101]

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.[102]

96. On June 8, 2010, Representative Schmidt filed a defamation lawsuit against Mr. Krikorian seeking $6.8 million in damages.[103]

97. The TALDF lawyers represent her in this matter and TCA pays their legal fees.[104]

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.[105]

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.[106]

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[101] 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.
[102] 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).
[103] *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).
[104] TALDF Lawyer 1 RFI Response (Exhibit 7 at 11-6574_0030; TCA President MOI (Exhibit 3 at 11-6574_0012).
[105] Request for Legal Expense Fund Approval (Exhibit 24 at 11-6574_0389).
[106] Letter from Representative Schmidt to Chair Lofgren and Ranking Member Bonner, dated August 11, 2010 (Exhibit 25 at 11-6574_0391-0392).

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.[107] Although the lawsuit was filed on June 8, 2010, the proposed contingency fee agreement is dated August 26, 2010.[108] 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.[109] The services are provided *pro bono* similar to the other legal services TALDF has provided to Representative Schmidt.[110]

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.[111] 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.[112]

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)?" [113]

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[107] Email from Heather Jones to Joe Jansen, dated August 26, 2010 (Exhibit 26 at 11-6574_0394).
[108] Proposed Contingency Agreement between TALDF and Representative Schmidt, dated August 26, 2010 (Exhibit 27 at 11-6574_0396).
[109] TALDF Lawyer 1 MOI (Exhibit 2 at 11-6574_0007-0008).
[110] *Id.* at 11-6574_0007.
[111] *Id.*
[112] *Id.*

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)?" [114]

III. CONCLUSION

109. The Committee issued detailed guidance explaining the steps that Members must follow to solicit or receive donations to pay legal expenses.[115]

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).[116]

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.[117]

112. For example, the Committee recently responded to a Member's request for approval to accept *pro bono* legal services.[118] 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."[119]

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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[113] Representative Schmidt Amended Calendar Year 2009 Financial Disclosure Statement, dated July 15, 2010 (Exhibit 28 at 11-6574_0398).
[114] 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).
[115] Legal Expense Fund Regulations (Exhibit 1 at 11-6574_0002); House Ethics Manual 63-65.
[116] *Id.*
[117] *Id.* The Legal Expense Fund Regulations allow the acceptance of *pro bono* legal services under the following limited circumstances. *See supra* note 101.
[118] 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.
[119] *Id.*

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[1]

From: Committee on Standards of Official Conduct
Nancy L. Johnson, Chairman
Jim McDermott, Ranking Democratic Member

Date: June 10, 1996

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[2] 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.[3]

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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[1] 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 106th and 107th Congresses.

[2] *See House Ethics Manual*, 102d Cong., 2d Sess. 49-50 (1992).

[3] 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:

Reporting Period	Due Date
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

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 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.

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 its 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.

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.

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.

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.

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.

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 15th 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.

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 expect 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.

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.

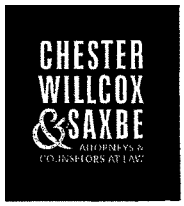
21. The witness did not assist Representative Schmidt with the complaint that her campaign filed against Mr. Krikorian before the Federal Election Commission in 2009.

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



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February 11, 2011

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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):

Bates Number	Documents
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.

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

Very truly yours,

Donald C. Brey

DCB_OCE - 0002

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: Mr. George Hochbrueckner

b. Telephone Number ☐ International Number: (631) 298-[redacted]

c. E-mail

5. Senate ID#: 18375-1003542

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

Turkish Coalition of America

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

v6.0.1e

Registrant George J. Hochbrueckner & Associates, Inc. Client Name Turkish Coalition of America

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 EDU Education (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	☐
				☐
				☐
				☐
				☐
				☐
				☐
				☐
				☐

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**

v6.0.1c

EXHIBIT 7

February 14, 2011

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

Re: REQUEST FOR INFORMATION

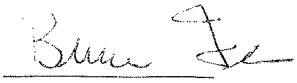
Dear Mr. Ashmawy:

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,



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 her 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. 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

8 hrs.

January 21-

8 hrs.

January 23-

8 hrs.

January 24- 8 hrs.

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: -2 hrs.

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

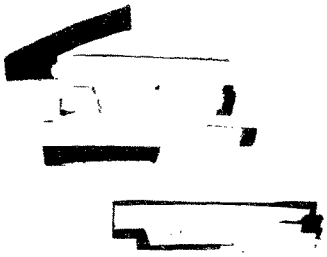
February 25:

-1 hr.

February 26:

20 minutes.

Cost per hour: $400.00



TURKISH AMERICAN LEGAL DEFENSE FUND

BILLING STATEMENT: FEB-MARCH 2010

4. March 1:

1.25 hrs.

6. March 2:
4 hrs.

7. March 3: 7 hrs.

6.

Cost per hour: $400.00

Turkish American Legal Defense Fund Billing Statement
April 2010

5. April 16:

2 hrs.

7. April 19:

4 hrs.

8. April 20:

4 hrs.

10. April 22:

2 hrs.

11. April 23: 4 hrs.

12. April 26:

4 hrs.

14. April 28:

8 hrs.

Cost her 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.
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:

1 hr.

Cost per hour: $400.00

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

TURKISH AMERICAN LEGAL DEFENSE FUND
BRUCE FEIN BILLING STATEMENT SEPTEMBER 2010

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

December 14:

2 hrs.

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-[redacted]
FACSIMILE (202) 637-9876

DAVID S. SALTZMAN
GÜNAY EVINCH (ÖVÜNÇ)

[redacted]@TURKLAW.NET
[redacted]@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 3rd 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 87.5 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

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. <u>Krikorian's Federal Court Action</u>

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 he 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 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] (9.2 hrs.).

[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 15th St., N.W., Suite 225-F, Washington, DC 20005, or via telegraphic transfer as follows:

[redacted]

David S. Saltzman

TURKISH AMERICAN 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.) [redacted]

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 15th St., N.W., Suite 225-F, Washington, DC 20005, or via telegraphic transfer as follows:

[redacted]

David S. Saltzman

TURKISH AMERICAN LEGAL DEFENSE FUND

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

Re: TALDF July. 1, 2009 – Sept. 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: (July 1 - July 31: [redacted] hrs.) [redacted] (1.1hrs), [redacted]

(Aug. 1 – Aug. 31: [redacted] hrs.) [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 15th St., N.W., Suite 225-F, Washington, DC 20005, or via telegraphic transfer as follows:

[redacted]

David S. Saltzman

TURKISH AMERICAN LEGAL DEFENSE FUND

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

Re: TALDF Oct. 1, 2009 – Dec. 31, 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: (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 15th St., N.W., Suite 225-F, Washington, DC 20005, or via telegraphic transfer as follows:

[redacted]

David S. Saltzman

TURKISH AMERICAN 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]

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

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

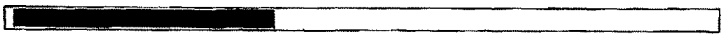
Time: [redacted] hrs. @ $325/hr. = $[redacted] (Atty. David Saltzman)

Expenses: (none)

AMOUNT DUE THIS INVOICE: **US$** [redacted]

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

[redacted]



David S. Saltzman

TURKISH AMERICAN 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.); [redacted]

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

(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 15th 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	481.62	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	18,698.50	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: 13202 - 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 #120356
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

BALANCE FORWARD	$0.00
Payments received since last invoice	(0.00)
PAST DUE BALANCE (Disregard if Paid)	**$0.00**
Total Fees	915.00
TOTAL NEW CHARGES	**$915.00**
TOTAL BALANCE DUE ON ACCOUNT	**$915.00**

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

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

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)
Past Due Balance (Disregard if Paid)		**$0.00**

SUMMARY OF BILLED AMOUNTS

DCB	BREY, DONALD C.	3.00 hrs	305.00 /hr	$915.00
		3.00 hrs		$915.00

TOTAL PROFESSIONAL SERVICES	915.00
TOTAL OF NEW CHARGES FOR THIS INVOICE	**$915.00**
TOTAL BALANCE DUE ON ACCOUNT	**$915.00**

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

BALANCE FORWARD	$915.00
Payments received since last invoice	(0.00)
PAST DUE BALANCE (Disregard if Paid)	**$915.00**
TOTAL BALANCE DUE ON ACCOUNT	**$915.00**

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

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)
Past Due Balance (Disregard if Paid)		**$915.00**

TOTAL OF NEW CHARGES FOR THIS INVOICE	**$0.00**
PLUS PAST DUE BALANCE (Disregard if Paid)	**$915.00**
TOTAL BALANCE DUE ON ACCOUNT	**$915.00**

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

BALANCE FORWARD	$915.00
Payments received since last invoice	(0.00)
PAST DUE BALANCE (Disregard if Paid)	**$915.00**
Total Fees	65.00
TOTAL NEW CHARGES	**$65.00**
TOTAL BALANCE DUE ON ACCOUNT	**$980.00**

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

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

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)
Past Due Balance (Disregard if Paid)		**$915.00**

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**
TOTAL BALANCE DUE ON ACCOUNT	**$980.00**

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

BALANCE FORWARD	$980.00
Payments received since last invoice	(0.00)
PAST DUE BALANCE (Disregard If Paid)	**$980.00**
Total Fees	1,170.00
Late Payment Charge	13.73
TOTAL NEW CHARGES	**$1,183.73**
TOTAL BALANCE DUE ON ACCOUNT	**$2,163.73**

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

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 CONNECTICUR 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)
Past Due Balance (Disregard if Paid)		**$980.00**

13292 . 00024 Invoice# 114895 Page 2

SUMMARY OF BILLED AMOUNTS

DCB	BREY, DONALD C.	3.60 hrs	325.00	/hr	$1,170.00
		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	**$1,183.73**
PLUS PAST DUE BALANCE (Disregard if Paid)	**$980.00**
TOTAL BALANCE DUE ON ACCOUNT	**$2,163.73**

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

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

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

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

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)
Past Due Balance (Disregard if Paid)		**$1,183.73**

EXPENSES

04/30/2009	PHOTOCOPY SERVICE @ $.18	38.34
	TOTAL DISBURSEMENTS	$38.34

13292 00024 Invoice# 115628 Page 2

SUMMARY OF BILLED AMOUNTS

DCB	BREY, DONALD C.	5.70	hrs	325.00 /hr	$1,852.50
		5.70	hrs		$1,852.50

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

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

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

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

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

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 CONNECTICUR 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)
Past Due Balance (Disregard if Paid)		**$3,074.57**

REDACTED

EXPENSES

05/31/2009	PHOTOCOPY SERVICE @ $.18	4.50
	TOTAL DISBURSEMENTS	$4.50

SUMMARY OF BILLED AMOUNTS

DCB	BREY, DONALD C.	17.60 hrs	325.00	/hr	$5,720.00
		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
TOTAL OF NEW CHARGES FOR THIS INVOICE	**$5,742.05**
PLUS PAST DUE BALANCE (Disregard if Paid)	**$3,074.57**
TOTAL BALANCE DUE ON ACCOUNT	**$8,816.62**

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

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

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

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)
Past Due Balance (Disregard If Paid)		**$5,742.05**

REDACTED

EXPENSES

06/30/2009	DELIVERY CHARGE	14.00
06/30/2009	PHOTOCOPY SERVICE @ $.18	92.52
	TOTAL DISBURSEMENTS	$106.52

SUMMARY OF BILLED AMOUNTS

DCB	BREY, DONALD C.	15.60 hrs	325.00 /hr	$5,070.00
		15.60 hrs		$5,070.00

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

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

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

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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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)
Past Due Balance (Disregard if Paid)	**$10,918.57**

REDACTED

REDACTED

EXPENSES

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

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
		70.40	hrs			$20,835.50

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

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

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

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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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)
Past Due Balance (Disregard if Paid)		**$24,353.15**

REDACTED

REDACTED

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
	TOTAL DISBURSEMENTS	$1,345.01

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
		114.00 hrs		$36,867.00

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

CHESTER WILLCOX & SAXBE
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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

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

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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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)
Past Due Balance (Disregard if Paid)		**$62,616.17**

REDACTED

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	$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
		105.20	hrs			$30,132.50

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

CHESTER WILLCOX & SAXBE
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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

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

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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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)
Past Due Balance (Disregard if Paid)		**$97,150.80**

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
TOTAL OF NEW CHARGES FOR THIS INVOICE	**$11,641.03**
PLUS PAST DUE BALANCE (Disregard if Paid)	**$97,150.80**
TOTAL BALANCE DUE ON ACCOUNT	**$108,791.83**

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

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

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

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)
Past Due Balance (Disregard if Paid)		**$108,791.83**

EXPENSES

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

13292 00024 Invoice# 120855 Page 2

SUMMARY OF BILLED AMOUNTS

DCB	BREY, DONALD C.	2.80 hrs	325.00 /hr	$910.00
		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
TOTAL OF NEW CHARGES FOR THIS INVOICE	**$3,559.18**
PLUS PAST DUE BALANCE (Disregard if Paid)	**$108,791.83**
TOTAL BALANCE DUE ON ACCOUNT	**$112,351.01**

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

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

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

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)
Past Due Balance (Disregard if Paid)		**$0.00**

EXPENSES

12/31/2009	PHOTOCOPY SERVICE @ $.18	1.26

13292 00024 Invoice# 121316 Page 2

TOTAL DISBURSEMENTS	$1.26

SUMMARY OF BILLED AMOUNTS

DCB	BREY, DONALD C.	3.70 hrs	325.00	/hr	$1,202.50
		3.70 hrs			$1,202.50

TOTAL PROFESSIONAL SERVICES	1,202.50
TOTAL EXPENSES INCURRED	1.26
TOTAL OF NEW CHARGES FOR THIS INVOICE	**$1,203.76**
TOTAL BALANCE DUE ON ACCOUNT	**$1,203.76**

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

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

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

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)
Past Due Balance (Disregard if Paid)		**$1,203.76**

13292 00024 Invoice# 121986 Page 2

REDACTED

REDACTED

EXPENSES

01/31/2010	DELIVERY CHARGE	58.00
01/31/2010	PHOTOCOPY SERVICE @ $.18	233.64
	TOTAL DISBURSEMENTS	$291.64

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
		34.60	hrs			$10,164.50

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

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

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

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

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)
Past Due Balance (Disregard If Paid)	**$11,659.90**

REDACTED

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
	TOTAL DISBURSEMENTS	$310.88

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		$9,535.50

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

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

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

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

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)
Past Due Balance (Disregard if Paid)		**$0.00**

EXPENSES

03/31/2010	MILEAGE	107.50
03/31/2010	PHOTOCOPY SERVICE @ $.18	1.62
03/31/2010	PARKING	13.00
	TOTAL DISBURSEMENTS	$122.12

13292 00024 Invoice# 123392 Page 2

SUMMARY OF BILLED AMOUNTS

DCB	BREY, DONALD C.	8.10 hrs	325.00 /hr	$2,632.50
		8.10 hrs		$2,632.50

TOTAL PROFESSIONAL SERVICES	2,632.50
TOTAL EXPENSES INCURRED	122.12
TOTAL OF NEW CHARGES FOR THIS INVOICE	**$2,754.62**
TOTAL BALANCE DUE ON ACCOUNT	**$2,754.62**

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)	**$2,754.62**
Total Fees	1,173.50
Total Expenses	20.70
TOTAL NEW CHARGES	**$1,194.20**
TOTAL BALANCE DUE ON ACCOUNT	**$3,948.82**

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

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)
Past Due Balance (Disregard if Paid)		**$2,754.62**

13292 00024 Invoice# 124114 Page 2

REDACTED

EXPENSES

04/30/2010	PHOTOCOPY SERVICE @ $.18	20.70
	TOTAL DISBURSEMENTS	$20.70

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	$231.00
		5.00	hrs			$1,173.50

TOTAL PROFESSIONAL SERVICES	1,173.50
TOTAL EXPENSES INCURRED	20.70
TOTAL OF NEW CHARGES FOR THIS INVOICE	**$1,194.20**
PLUS PAST DUE BALANCE (Disregard If Paid)	**$2,754.62**
TOTAL BALANCE DUE ON ACCOUNT	**$3,948.82**

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

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

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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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)
Past Due Balance (Disregard If Paid)		**$1,194.20**

EXPENSES

05/31/2010	LEXIS RESEARCH	5.65

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	$51.27

SUMMARY OF BILLED AMOUNTS

DCB	BREY, DONALD C.	8.00 hrs	325.00 /hr	$2,600.00
		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
TOTAL OF NEW CHARGES FOR THIS INVOICE	**$2,692.59**
PLUS PAST DUE BALANCE (Disregard if Paid)	**$1,194.20**
TOTAL BALANCE DUE ON ACCOUNT	**$3,886.79**

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

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

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

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)		**$2,692.59**

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
	TOTAL DISBURSEMENTS	$495.74

SUMMARY OF BILLED AMOUNTS

DCB	BREY, DONALD C.	7.40 hrs	325.00	/hr	$2,405.00
		7.40 hrs			$2,405.00

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

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

BALANCE FORWARD	$5,593.33
Payments received since last invoice	(5,552.01)
Adjustments Applied	(-41.32)
PAST DUE BALANCE (Disregard If Paid)	**$0.00**
Total Fees	877.50
Total Expenses	4.96
TOTAL NEW CHARGES	**$882.46**
TOTAL BALANCE DUE ON ACCOUNT	**$882.46**

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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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 126852
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)
Past Due Balance (Disregard if Paid)		**$0.00**

EXPENSES

07/31/2010	PACER RESEARCH SERVICE	4.96

13292 00024 Invoice# 126852 Page 2

TOTAL DISBURSEMENTS	$4.96

SUMMARY OF BILLED AMOUNTS

DCB	BREY, DONALD C.	2.70 hrs	325.00 /hr	$877.50
		2.70 hrs		$877.50

TOTAL PROFESSIONAL SERVICES	877.50
TOTAL EXPENSES INCURRED	4.96
TOTAL OF NEW CHARGES FOR THIS INVOICE	**$882.46**
TOTAL BALANCE DUE ON ACCOUNT	**$882.46**

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

BALANCE FORWARD	$882.46
Payments received since last invoice	(0.00)
PAST DUE BALANCE (Disregard If Paid)	**$882.46**
Total Fees	130.00
Total Expenses	49.44
TOTAL NEW CHARGES	**$179.44**
TOTAL BALANCE DUE ON ACCOUNT	**$1,061.90**

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

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)
Past Due Balance (Disregard if Paid)		**$882.46**

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.	0.40 hrs	325.00 /hr	$130.00
		0.40 hrs		$130.00

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

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

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

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

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)
Past Due Balance (Disregard If Paid)		**$179.44**

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	$481.52

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
		32.40	hrs			$9,753.00

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

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

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

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

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)
Past Due Balance (Disregard If Paid)		**$0.00**

REDACTED

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
	TOTAL DISBURSEMENTS	$199.30

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
		39.50	hrs			$11,358.50

TOTAL PROFESSIONAL SERVICES	11,358.50
TOTAL EXPENSES INCURRED	199.30
TOTAL OF NEW CHARGES FOR THIS INVOICE	**$11,557.80**
TOTAL BALANCE DUE ON ACCOUNT	**$11,557.80**

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

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

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

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)
Past Due Balance (Disregard If Paid)		**$11,557.80**

REDACTED

REDACTED

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

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
		59.70	hrs		$18,688.50

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

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

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

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

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)
Past Due Balance (Disregard if Paid)		**$31,577.66**

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
	TOTAL DISBURSEMENTS	$90.52

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
		15.00	hrs		$4,830.00

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

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 3rd 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.

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.

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

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

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 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.

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

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

HOME
YOUR RIGHTS
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.).

Kirkorian'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-[redacted], 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 "deni[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

Jean Schmidt

District of Columbia
On this 2nd 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.	:	Case No. 2009E-012
DAVID KRIKORIAN 8132 Camargo Woods Court Cincinnati, Ohio 45243-2206	:	
Respondent.	:	

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 along 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 14th day of July, 2009.

Saundra D. Bean
Notary Public

Saundra 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-[redacted]
www.state.oh.us/elc

Charles Calvert
Chairman

John R. Mroczkowski
Vice-Chairman

Danielle R. Blue

Bryan Fehnel

Harvey H. Shapiro

Larry Wolpert

Philip C. Richter
Executive Director

Fax: (614) 728-9468

November 13, 2009

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 $30,000.)

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.

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-[redacted]
www.state.oh.us/elc

Charles Calvert
Chairman

John R. Mroczkowski
Vice-Chairman

Danielle R. Blue

Bryan Felmet

Harvey H. Shapiro

Larry Wolpert

Philip C. Richter
Executive Director

fax (614) 728-9408

November 13, 2009

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-[redacted]

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
Ordinary Income/Expense					
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	27.15
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 Cinncinnati Schmidt v. Krikoran Case	383.30
Bill	09/16/2010	Auto Debit	Expedia Travel	Bruce - Cinncinnati Schmidt case	255.00
Bill	09/20/2010	Auto Debit	Expedia Travel	Bruce - Cinncinnati 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 Cinncinnati Schmidt v. Krikoran Case	235.50
					6,011.11

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 CVC 1217

FILED
2010 JUN -8 PM 1:31
BARBARA A. WEDEKIND
CLERK OF COMMON PLEAS COURT
CLERMONT COUNTY, OHIO

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

("JCAG"), 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 JCAG 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."[1]

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

[1] 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."[2]

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

[2] 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.[3] 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 laurelled him with a "Freedom Award" for his dedication to advancing the Armenian Cause.[4] 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

[3] Available at http://www.un.org/documents/ga/docs/55/a55931.pdf.
[4] Available at http://www.arf.am/English/ARFNews/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. . . .[5]

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-

[5] Available at 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."[6] 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).

[6] 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 is 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,"[7] 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.

[7] 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[8], 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);

[8] This is available at http://www.mirrorspectator.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[9], 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.

[9] Available at http://www.youtube.com/watch?v=En7IihLV4oIA&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 Kirkorian'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.

PRAYER 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

BEFORE THE OHIO ELECTIONS COMMISSION

- - - - -

Jean Schmidt and :
Schmidt for Congress,
:
Complainants,
:
vs. Case No. 2009E-003
:
Mr. David Krikorian,
:
Respondent.
:

- - - - -

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.

- - - - -

Spectrum Reporting LLC
333 Stewart Avenue, Columbus, Ohio 43206
614-444-[redacted] or 800-635-[redacted]
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:

Fein & Fein
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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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S T I P U L A T I O N S

- - - - -

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
Mr. Finney - Cross	5

Defendant's Exhibits	Page
A - Today's Zaman article	11
B - TCA Issue Paper-17	21
C - Contribution list	41
D - Krikorian Web page	63
E - Letter to Finney from Schmidt	70

Barry P. Bennett
being first duly sworn, testifies and says as follows:

CROSS-EXAMINATION

BY MR. FINNEY:

Q. Can you please state your name and address for the record.

A. Sure. Barry Bennett, Barry Patrick Bennett, [redacted], Alexandria, Virginia 22301.

Q. And what role do you hold with Jean Schmidt's Congressional office?

A. I'm the chief of staff.

Q. Okay. And this might seem rudimentary, but is that the top staff position in that office?

A. Yes.

Q. And you oversee all the operations of that office?

A. Uh-huh.

Q. I'm sorry. Have you ever had your deposition taken before?

A. Yes.

Q. Okay. When you answer, you need to say yes or no. Uh-huhs and huh-uhs ---

A. It's hard to type. Sorry about that.

Q. And the other rule is that when I'm talking, you're not allowed to talk, and when you're talking, I'm not allowed to talk. This young lady tells me that she can type very fast, she just can't type what other people are saying at the same time.

A. Got it.

Q. Okay. So we violated both of those rules within the first two minutes of your deposition.

A. Perfect.

Q. So my question is you then oversee all of Ms. Schmidt's Ohio and Washington operations; is that correct?

A. That is correct.

Q. Okay. And you've done that since she was elected to Congress?

A. No, I didn't come on -- I came on a little later.

Q. Okay. When was that?

A. I want to say I started in October or November. She was elected I believe in June or July and took office in September. I wasn't there

in the beginning.

Q. When is it that you first got introduced to the issue of the Armenian Genocide, what we refer to in this case as the Armenian Genocide?

A. I don't recall an exact date as to when I became aware of it. I remember the press clips of President Bush asking Speaker Hastert to not have a vote, but I don't even remember when that was. It was a Washington Post story, so that was probably 04.

Q. And did you have any understanding of the Armenian Genocide just from your schooling or your studies prior to that, or did all of your knowledge and understanding about that come after this issue started appearing in Congress and after that request of Bush to Speaker Hastert not to have that vote?

A. Yeah, probably post that, uh-huh.

Q. Can you tell me what Ms. Schmidt's position is with respect to the resolution before Congress to acknowledge the Armenian Genocide?

A. No.

Q. You don't know what her position is?

A. No, I mean --

MR. FEIN: This speech or debate clause, you're asking for a position as a member of Congress voting on something that would be on the floor, that's speech or debate at the very heart of her legislative duties.

MR. FINDEY: Okay. So you are objecting and telling him not to answer?

MR. FEIN: Yes. I'm instructing him not to answer that question.

MR. FINDEY: Okay. Thank you.

Q. Has Ms. Schmidt written anything on the Armenian Genocide that would not be covered by that privilege, in other words to outside groups or organizations or e-mails to constituents or otherwise?

A. If I could inquire, are you talking about the resolution or the issue of what happened in 1915?

Q. Let's start with the resolution.

A. She's written an article in -- that was published, yes, about the resolution about how we shouldn't take this up right now.

Q. What should not what?

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A. We should not take this up in the House.

Q. And is that the article from Today's Zaman or that's elsewhere?

A. Uh-huh.

Q. Uh-huhs don't transcribe.

A. Yes, sorry. Yes.

Q. Okay. So it's Ms. Schmidt's publically stated position that she was against the two resolutions that have been produced in the 110th and the 111th Congress relating to the Genocide; is that correct?

A. That is incorrect.

Q. That is --

Incorrect.

Q. I'm sorry, I thought you just said she said it's an issue we shouldn't take up?

A. Wait. You assumed that that means that she's against it. That's assumption I'm not making.

Q. Well, why don't you tell me what that means, then.

A. Not hearing a bill is different from whether you support it or not. It's a calendar

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issue, not -- and a -- a logistics issue versus a content of the bill issue.

Q. Okay. Let's talk about the Today's Zaman article that's been marked as an exhibit in Ms. Schmidt's deposition.

A. Okay.

Q. And it's been marked as an exhibit in Mr. Fein's deposition.

- - - - -

Thereupon, Defendant's Exhibit A is marked for purposes of identification.

- - - - -

Q. Now, have you seen this article before?

A. Yeah.

Q. And --

A. I believe. I didn't look at it. Yes.

Q. Okay. I had a bunch of copies of that made so I could look at it at the same time, and now I'm not putting my hands on it.

(A short recess is taken.)

Q. Let's just talk about the Today's Zaman article. How is it that that article came about? I had never heard of Today's Zaman before. How is it that your office got involved in writing an

article for Today's Zaman?

A. I had met a reporter in Turkey who e-mailed me and asked if we would be interested in submitting an article.

Q. Okay. When did you go to Turkey?

A. I've been there twice.

Q. Okay. Why don't you tell me about both times.

A. The first time was a year ago August for five days. And the second time was this -- right before Memorial Day for seven days.

Q. Of this year?

A. Uh-huh.

Q. Uh-huhs don't work.

A. Yes. I'm sorry. Sorry.

Q. Okay. And the one before Memorial Day this year is the one you went along with Ms. Schmidt on; is that right?

A. Yes.

Q. Okay. And the August of '08 trip, tell me about that. Was that part of your official duties as a staff member --

A. Correct.

Q. -- for a member of Congress?

A. Yes.

Q. And who sponsored that trip?

A. The Rumi Forum.

Q. The what?

A. The Rumi Forum.

Q. What is that?

A. Rumi Forum, it's a cultural and education based group based in Turkey.

Q. Is that the same one that paid for the Memorial Day -- the one before Memorial Day of this year?

A. No.

Q. Who paid for the one this year?

A. The TCA, Turkish Coalition of America, whatever it's called.

Q. Okay. And why don't you tell me about the Rumi Forum.

A. Uh-huh.

Q. Who funds that? Is that funded by the Turkish government or --

A. No.

Q. How is that funded?

A. It's the Rumi Forum. It's a U.S.-based group that funds it.

Q. A nonprofit organization?
A. Uh-huh.
Q. And why did they invite you to Turkey in August of '08?
A. They invited I don't remember exactly how many chiefs of staff, but a bipartisan delegation of chiefs of staff went over.
Q. And what did you do while you were there?
A. Toured the country, met with government officials, met with, you know, schools, you know, got a feel for what it's like to live in Turkey.
Q. And so it was on that trip that you met a reporter that solicited an editorial from you?
A. Yeah. One of our visits as I remember was with local reporters.
Q. And this particular editorial was written to coincide with the trip that President Obama took to Turkey; is that right?
A. It was published to coincide. I don't know that it was necessary written --
Q. So Ms. Schmidt testified that you participated or took the lead in drafting this; is that right?

A. Correct.
Q. And did somebody else on your staff work on that, or is that something you wrote?
A. I think I wrote with her help most of it.
Q. Okay. And at the time it was written, you did not know or contemplate that it would be published in -- to coincide with President Obama's visit?
A. I had no idea what day they would publish it.
Q. Did you know that President Obama was going to Turkey at the time you were writing it?
A. I knew that he was going. I don't know that I knew the dates, but I knew that was going to be his first big trip.
Q. So you knew that it was a possibility that they would use it as counterbalance to President Obama's trip?
A. I knew that it was a possibility and I knew that it wasn't a possibility, I guess. I don't know.
Q. Okay. Okay. Do you know if any other members of Congress also wrote in Today's Zaman

editorials about US policies toward Turkey?
A. I'm not a regular reader of Today's Zaman.
Q. Is this something that's fairly common that members of United States Congress would write for local papers of other countries?
A. Quite.
Q. Has Ms. Schmidt done that in any other country?
A. I'm not sure that we've been published. I'm not certain. I'm not certain to tell you the truth. I don't know.
Q. Have you submitted editorials for use in other countries?
A. I haven't personally, no.
Q. Okay. I had asked Ms. Schmidt and I will ask you the same question. She says in the closing paragraph -- well, first of all, her testimony was that she didn't either hand-write anything or do anything on a word processor --
A. Right.
Q. -- that everything came off of your pen or word processor; is that right?
A. Yeah, she doesn't use a computer.

Q. So she -- you and she, she said, discussed this, and then you ended up writing it; is that right?
A. Yeah. Basically, yes.
Q. Did she approve the final draft of this?
A. Yes.
Q. Okay. And then the closing paragraph says, "What happened in 1915 must never be forgotten. To quote the great poet Maya Angelo, 'History cannot be unlived, despite its wrenching pain, but if faced with courage, need not be lived again.'"
A. Uh-huh.
Q. What is it that -- so you're -- this is Ms. Schmidt telling the people of Turkey or whoever reads the daily Zaman what happened in 1915 must not be forgotten.
A. Uh-huh.
Q. And what is it that happened in 1915 that she was reminding?
A. Hundreds of thousands of people died on both sides. It was awful.
Q. And why don't you tell me about that.

What did happen? What are the events of 1915 that you were commemorating?

A. Well, World War I happened. The break up of the Ottoman Empire happened. I mean, there was a lot of fighting. A lot of people died. Atrocities -- I don't know. I don't know what the definition is, but a lot of things happened.

Q. Okay. And is that the sum and substance of what your understanding is that we're supposed to remember about what happened in 1915?

A. I'm not -- I've not been given the task nor executed the task of determining what we should all remember about 1915. I can only tell you that my understanding is hundreds of thousands of people on both sides of the issue and a lot of foreign fighters, too, all perished in Turkey. It was very bloody.

Q. I'm just saying it was you and/or Ms. Schmidt reminding people we shouldn't forget those events. I'm just asking you what they were. What exactly happened in 1915, and how was it that all of these people died?

MR. BREY: Objection, foundation. I think he stated what he knows. But go ahead if

you can answer the question.

A. World War I happened.

Q. Okay. So when Mrs. Schmidt says -- or when you said from your pen, "What happened in 1915 must never be forgotten..." you're just referring to World War I?

A. The deaths -- the hundreds of thousands of deaths on both sides that occurred.

Q. Okay. What was the period or time when World War I occurred?

A. 1911. I don't know when it ended. I'm not a history buff.

Q. So why did you pick out 1915 specifically when you wrote this?

A. It's the date that's commonly referred to in Turkey about what happened.

Q. This event that's referred to is at least by some as the Genocide; is that right?

A. Uh-huh.

Q. It has to be yes or no.

A. Yes. I'm sorry. I'm very sorry. I'm making your job very difficult. I'm sorry.

Q. Now, Mrs. Schmidt -- at least from your -- what you've said is her position on the

Armenian Genocide resolution is that it just shouldn't be on the House calendar one way or the other; is that right? It shouldn't be voted on?

A. I'm being very delicate here. The article says that we should not take up the resolution.

Q. Okay. And that's Mrs. Schmidt's position on that; is that right?

MR. BREY: Objection as to relevancy. Her current position or position as of November 2008 are different questions.

Q. Okay. Well, let's ask what was her position in November 2008 with respect to taking up the resolution.

A. I don't know. I didn't talk to her about it in November 2008.

Q. So this just reflects what her position was in April of 2009; is that right?

A. That's the first time we sat down and talked about it -- about, you know, this article, yes.

Q. When did you finalize that article and submit it to Today's Zaman?

A. I have no idea.

Q. Was it --

A. I don't know the dates, you know.

Q. It was obviously after you went over there in August of '08?

A. Yeah. Yeah. I don't know what the -- what was the date of publishing? You know, it would have been in that time frame. I don't know what the --

Q. The --

A. It doesn't seem to have a published date on here.

Q. It was published in April of '09. You submitted it just shortly before that?

A. Probably, yeah.

Q. Okay.

MR. BREY: My copy is dated June -- oh, I see.

MR. FINNEY: Actually, it's backwards.

MR. BREY: I'm reading backwards. You're right.

Q. Off the record.

(A short recess is taken.)

Q. I've given you what's been marked as Exhibit B.

- - - - -

Thereupon, Defendant's Exhibit B is marked for purposes of identification.

- - - - -

Q. Have you seen this document before?

A. No.

Q. Why don't you take a minute to read it and I will ask you some questions about it.

In a previous deposition this was identified as a publication of the Turkish Coalition of America and something that Mr. Fein at least participated at some point in drafting some versions of it. My question is in the third paragraph -- I'm sorry, the fourth paragraph it talks about Mrs. Schmidt's position on the Armenian Genocide and the resolutions pending in Congress.

A. Uh-huh.

Q. The first sentence says, "Congresswoman Schmidt has on numerous occasions voiced her opposition to such resolutions and maintains that the historical question is not appropriate for Congress to legislate." Do you see that?

A. Yep.

Q. Does that accurately reflect Mrs. Schmidt's position as of November the 4th of 2008?

A. Well, it doesn't really state her position. It says -- it makes a statement which says --

Q. Well, it says --

A. -- that "...on numerous occasions she voiced her opposition...." I don't remember any of these.

Q. So let's just stop there. To your knowledge, is that statement true or untrue?

A. I don't think it's wholly true.

Q. Is it partially true?

A. I -- I don't know in November 4, 2008 to tell you the truth. I mean, I just didn't have a conversation with her then, so I didn't know what -- I mean, this issue wasn't really -- as you well know, this was not really a big issue of concern in southwest Ohio. I just don't remember talking to her about it.

Q. Do you know why someone would say that if it's not true?

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 harrowing 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. BREM: 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

play word games, but I mean, that's a perfectly reasonable position to have in my view. Sorry. I believe it was the same position your campaign manager had.

Q. When you went to Turkey either time in August of '08 or in April or May of '09 --

A. Uh-huh.

Q. -- did you talk to anyone there about the Armenian Genocide issue?

A. I may have. Certainly no one from the government. I mean, I only remember one government meeting and it was at the Foreign Ministry, and we were much more interested in Iraq, the PKK and the Israeli peace process.

Q. Are you aware that it's a crime for Turkish citizens to talk about the Armenian Genocide?

MR. FEIN: Foundation. Foundation.

A. I'm not aware of any of the -- very many of the laws in Turkey.

Q. So the answer to that question is no?

A. The answer --

MR. FEIN: Foundation is -- I object. There's no foundation laid for the question.

MR. FINNEY: Okay. We understood the objection. Are you instructing him not to answer?

MR. FEIN: No, I'm not instructing him not to answer, but I just want to make clear --

MR. FINNEY: You were clear, you said it four times.

MR. FEIN: -- that my objection is foundation.

MR. FINNEY: Yeah, we got that part.

MR. FEIN: Okay.

Q. So I'm --

A. I would not consider myself familiar with Turkish law.

Q. Now, tell me how Mrs. Schmidt's campaigns are run. I asked her this question, and she said that essentially you're in charge of running the campaign; is that right?

A. Well, we have a campaign manager. Her name is Sara Drier in the last election.

Q. Really. She told me there was no campaign manager.

A. If you look at the FEC reports, which I'm sure you have, you will see that Sara Drier was the campaign manager.

Q. Is there a reason why Mrs. Schmidt would not know that?
A. You would have to ask Mrs. Schmidt that question.
Q. So how are the campaigns run on a day-to-day basis then?
A. Campaign manager.
Q. What is your role in running the campaigns?
A. I -- I am a -- I offer my two bits. I try to stay at the 30,000-foot view and, you know, I weigh in on advertising and polling, that kind of stuff, but not from the day-to-day perspective. I just don't have the bandwidth to do that.
Q. That's remarkable only that completely contradicts everything that Mrs. Schmidt told me repeatedly on that topic during her deposition.
MR. BREY: I would object to your statement of her testimony. I don't think that's quite accurate, although the transcript will say one way or the other. But if you have a question, you certainly may have a question rather than stating the testimony.
Q. Have you read Mrs. Schmidt's deposition

transcript?
A. Not entirely.
Q. From this case you've read parts of it, though?
A. Part of it, uh-huh.
Q. And did you disagree with anything that she said about how her campaign was run based upon that transcript?
A. No, I can see why she said that.
Q. You can see why she said that you were the person who manages her campaign?
A. Well, I mean I hired the campaign manager, I -- you know, sure, I'm ultimately responsibility in her eyes.
Q. And then are you active then in the fundraising operation of her campaign?
A. I don't think I attended any of the district-based fundraisers.
Q. I don't know if I asked if you attended fundraisers. Are you active in helping her raise funds for her campaign?
A. Sure.
Q. You are. And how -- what role do you play in that regard?

A. Not a day-to-day role by any stretch, but I, you know, like to know what's going on.

Q. And why is that something that you would bother yourself with as her chief of staff?

A. Well, I think that's -- it's not just me, most chiefs of staff are very involved in knowing what's going on. Goals to reach, I want to make sure we reach our goals.

Q. I don't understand that. The campaign has goals to reach or the Congressional office --

A. The campaign has goals to reach.

Q. And you're responsible as the chief of staff of the Congressional office to see to it that the campaign goals are reached?

A. I'm not responsible as chief of staff. I'm responsible in that, you know, she's a friend and I want her to get re-elected.

Q. I see. Who is Phil Greenberg?

A. Phil Greenberg is our fundraiser.

Q. Okay. And he worked with you on raising funds for the Schmidt campaign?

A. He did the raising of funds.

Q. Okay. Did you work with him on that?

A. I don't know -- if you could

describe -- you know, clarify the question a little bit. "Work with him," what do you mean?

Q. Well, would you identify targets for fundraising?

A. No, he would do that.

Q. Would you identify individuals to talk to about fundraising or groups from which to fund-raise?

A. No, he created all those lists.

Q. What role would you then have in the fundraising operation?

A. I would want to make sure that there was a campaign plan and that the target and where we are on the target and making sure that we reached our numbers.

Q. Okay. E-mail, when e-mail is addressed to schmidtforcongress@fuse.net, who receives that e-mail?

A. I think Peter, but I'm not certain.

Q. Do you receive that e-mail?

A. No.

Q. Do you -- do you --

A. I think fuse.net is a service in Cincinnati. I'm not certain. I think that's the

case, but I --

Q. You've never logged in to schmidtforcongress@fuse.net?

A. No.

Q. Do you receive campaign related e-mails at any of your e-mail addresses?

A. Sure.

Q. And what e-mail address would you receive campaign related e-mail?

A. I have a personal Blackberry, my home computer.

Q. At what your e-mail address?

A. (Excerpted out and bound separately.)

MR. BREY: I would ask that that information could be used by you in connection with this case but not be publically disseminated.

MR. FINNEY: I don't know how. If we file this transcript, I'm not sure how to prevent that. But if you want to come up with a mechanism to do that just to black it out or something, I don't need to use it. I didn't even write them down when He said them.

MR. BREY: I would ask that that be separately transcribed from the rest of the

transcript. If there's some reason why you need that particular question and answer, we can sort that out.

(A short recess is taken.)

Q. And so you would receive campaign related e-mails at those two addresses?

A. Uh-huh.

Q. You have a Congressional office e-mail address?

A. I do.

Q. And do you receive any campaign-related e-mails to that address?

A. Not on purpose, but every now and then, sure. I can't stop people from sending things.

Q. And then do you log into the -- I think you said it's barryandmelissa account --

A. Uh-huh.

Q. -- do you log into that from the Congressional office?

A. No.

Q. How is it that you then --

A. I don't really -- I can't log-in remotely. Maybe you can, I haven't figure it out how to do it.

Q. Did you receive phone calls from Phil Greenberg at the Congressional office?
A. I'm --
Q. Did you during the course of the 2008 campaign receive phone calls from Phil Greenberg at the Congressional office?
A. I'm sure I got personal calls, yes, on my Blackberry, my personal Blackberry.
Q. Uh-huh. But not at the Congressional office?
A. Well, I don't know where I was physically, but I'm sure I got -- it would be odd that I didn't get one while I was there one day.
Q. What about calls through the Congressional office phone system?
A. Everybody's instructed not to call me through that number. Again, that doesn't mean a crazy person can't call you, and they do.
Q. Okay. And then who is Jennifer Pielsticker?
A. Jenn is the scheduler in the office.
Q. She's the scheduler in the Congressional office?
A. Uh-huh.

Q. But she also does the scheduling for the campaign?
A. Schedulers are permitted to do both. You're allowed to keep one calendar so that the offices are coordinated under House rules.
Q. Is she paid by the campaign?
A. No, she's paid by the House.
Q. And then what was your interaction with the campaign manager throughout the 2008 campaign Sara Orler?
A. She would call if she had a question that she needed answered.
Q. Would you be involved daily or weekly? Did you get involved --
A. Certainly not daily, maybe not even weekly.
Q. Okay. And then do you handle media inquiries relating to the campaign as well?
A. If someone calls me, I'm permitted to talk to them under House rules.
Q. And how many hours a week would you spend working on campaign matters versus Congressional office matters during the 2008 campaign?

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A. I have no idea. I mean I worked -- I love my job. I work a lot.

Q. Would you work more than five hours a week, let's say, during the closing three months of the campaign on campaign-related matters?

A. I don't know. I don't have a schedule to -- I mean, I don't know how I would go back and tell you definitively how many hours I worked.

Q. When we say "worked," you interact with Phil Greenberg?

A. Yeah.

Q. You interacted with Sara Orler?

A. Uh-huh.

Q. Who else would you interact with on campaign-related matters?

A. The pollster, the television guy, all of those kind of people.

Q. And what interaction would you have with -- who is your pollster for the campaign?

A. Tarrance Company, Tarrance Group.

Q. And who would you interact with there?

A. It depends. Probably Brian Tringali, but he has several people that work for him, so it could have been any of them.

Q. Okay. And then the TV guy, meaning the people who are writing and creating your TV commercials?

A. Uh-huh.

Q. And what interactions would you have with them?

A. I would talk to them, I mean, about scripts, maybe about some ideas and production schedules and all that kind of stuff.

Q. And when you did those activities, do you do those from the Congressional office --

A. No.

Q. -- or you have some other office at which you do that?

A. Yeah. The way the National Republican Congressional Committee is set up is there's a bullpen of a number of offices that you can go over and grab at any time with a computer and a phone in each, or you could just stay at home and do it at home.

Q. I didn't ask what you can do. I asked you --

A. That's what I did, both of those.

Q. You would never handle any

Congressional campaign matters from the Congressional office?

A. No.

Q. And what would you do if you received a call relating to the campaign?

A. House rules say you can continue the call. You shouldn't instigate a call. You should try to avoid it.

Q. If somebody calls you at the office, you're allowed to engage --

A. The New York Times calls me and asks about political things, I'm allowed to talk about it.

Q. I wasn't asking about New York Times, I'm talking about coordinating with the pollster, the TV guy and the fundraiser.

A. Yeah. As long as they didn't call on official resources. They're calling me on my private cell, I can take the call, I can go outside, I can go to the NRCC. I do all of those things.

Q. And are you allowed to take the call and continue it in the Congressional office?

A. Yes.

Q. And you do that on a regular basis?

A. No.

Q. Okay. Now, did you have the opportunity to be -- to become aware of the fact that Ms. Schmidt was raising significant amounts of money from Turkish PACs and from Turkish American individuals during the course of the 2008 Congressional campaign?

A. I would answer no because I don't term those amounts as significant.

Q. What was the total amount of money you raised during the 2008 --

A. You know, I don't know. I've seen the numbers that you guys have thrown around, but I don't -- even that number is not significant in my eyes.

Q. I'm sorry. You need to let me finish my questions before you answer if you don't mind.

A. I'm sorry. You stopped so I thought you were finished.

Q. What was the total amount of money you raised during the 2008 Congressional campaign?

A. No clue.

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 930,000 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. Scamidt 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. DREZ: 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.)

Q. Okay. We're going to mark this as C.

- - - - -

Thereupon, Defendant's Exhibit C is marked for purposes of identification.

- - - - -

Q. I've shown you what's been marked as Exhibit C.

A. Okay.

Q. This has been represented to me in prior depositions as part of the document production that we have, and this is your fundraising database of Turkish or Turkish-American donors, but there's a tic -- there's an entry in this database that references -- I just had it -- oh, if you look on the third and fourth pages, it says Turkish event 2-18-08. Do you see that?

A. Uh-huh.

Q. So your campaign refers to these things as Turkish events, right?

A. They apparently did, uh-huh.

Q. Uh-huh. So when I'm talking about there were two Turkish events held for your campaign, I'm just referring to your own

terminology.

A. Well, one of them is labeled a Turkish event.

Q. Right. So can you tell me about --

A. They all seem to have American addresses.

Q. And your point being?

A. These seem to be Americans.

Q. People with American addresses are Americans?

A. Largely.

Q. So --

MR. BREY: What page are we on?

THE WITNESS: This is the third page.

MR. BREY: Okay. I got you.

Q. So I think the question that I had -- why don't you read me the question we had before we broke.

(The record is read as requested.)

Q. All right. Do you know why -- who hosted these two events, do you know?

A. I don't know.

Q. And do you know why these events were hosted?

A. I assume for the purpose of supporting Jean's campaign.

Q. And why would Turkish groups want to get together to support Jean's campaign?

A. I assume because she's been vilified by the Armenians, but I have no idea.

Q. That's the second time you've told me that. What vilification came from Armenians and/or Mr. Krikorian and his campaign prior to February of '08 and May of '08?

A. I don't -- I don't know. I mean, I -- it was ongoing in his campaign and the ANCA literature.

Q. What's the ANCA literature?

A. Armenian National -- I don't know what the acronym stands for.

MR. FEIN: Committee of America.

Q. So ANCA and Mr. Krikorian consistently were writing about Mrs. Schmidt in a negative light as it related to the Armenian Genocide before February of '08 and May of '08?

A. I believe so.

Q. And but can you reference any specific document that would support that?

A. I don't have any with me, no.

Q. And why would they have negative things to say about Mrs. Schmidt in February of '08 and May of '08 if she had --

A. Mr. Krikorian was running against her. He had a lot of negative things to say about her and always has.

Q. What if I told you Mr. Krikorian hasn't even announced he was running in February of' 08?

A. I -- it could be. I don't know.

Q. But I thought you said that the reason that people were giving to Mrs. Schmidt was that --

A. Mr. Krikorian had already said things -- it doesn't mean -- just because he hadn't filed as a candidate doesn't mean he hadn't said things.

Q. And in what forum? Was he reported in the Enquirer? Did he write letters to the editor? Did he publish things?

A. I don't know. I don't know. Like I said, I don't have any specific documents in front of me.

Q. But you are the one that's saying --

A. Well, he's the one that came in with

ANCA in the office and got all hot and had this, you know, exchange and it's been, you know -- I understand it's a cause near and dear to his heart, and I appreciate his fervor. But, you know, he's a little misguided in my view.

Q. But why would the visit to the Congressional office spur Turkish donations? I don't understand that.

A. Because they were talking about it. We never put out a press release about, you know, Armenian Genocide. It was, you know, irrelevant to our district almost. I mean --

Q. Okay. Well, while we've got the donor list in front of us, why don't we look at it real quickly. Who is Yalcin Ayasli?

A. I believe -- I don't know what his role is, but I know that he's involved in TGA.

Q. Have you met him?

A. I've met him once.

Q. Has he also been the host of a fundraiser for Mrs. Schmidt -- I'm sorry, a reception for Mrs. Schmidt?

A. For Mrs. Schmidt?

Q. Uh-huh.

A. Not that I'm aware of.

Q. Did he travel with you and Mrs. Schmidt to Turkey in spring of this year?

A. No. As I recall, he was there on the last day.

Q. And what was the event of the last day at which --

A. It was a dinner for the Congressional folks.

Q. Okay. And did you and Mrs. Schmidt sit with him?

A. No. Well, I don't remember who she sat with; I didn't.

Q. How do you remember meeting him?

A. As I remember, as -- as folks went in, there was a greeting line and I was introduced to him and shook his hand.

Q. And who was Kaya Boztepe?

A. I have no idea.

Q. And who is Sandy Guzbuz?

A. I don't know.

Q. You point out appropriately that most of these donors live in the United States, but 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.

Q. And there's no ethics issue associated with Turkish American Legal Defense Funds paying for Ms. Schmidt's legal fees?

A. No, not that I'm aware of.

Q. Okay. And you've neither sought nor received any clearance or approval from the House Ethics Committee to allow that to proceed?

A. No, not that I'm aware of.

Q. Okay. Whose idea was it to bring this complaint to begin with?

A. Congresswoman Schmidt's.

Q. Explain that to me.

A. It was her idea to begin doing this.

Q. And so at some point she related that to you?

A. Yes.

Q. And when was that?

A. I think soon after it happened, soon after the flyers were put on the Catholic churches -- cars in the parking lots in Catholic churches. She was adamant about not allowing someone to lie about her and say that she had committed a crime.

Q. Okay. And then at some point you retained legal counsel to represent Mrs. Schmidt

in this matter?

A. Uh-huh.

Q. So you -- you then contacted someone or someone contacted you about that?

A. I think I talked to Lincoln McCurdy who introduced me to Bruce I believe.

Q. And then -- so you had a meeting with Mr. Fein?

A. Yes.

Q. And was Ms. Schmidt present at that meeting?

A. Yes.

Q. And when was that?

A. I believe it was in -- it's before the year was out. I would guess early December, but I can't give you an exact date.

Q. Early December 2008?

A. Yes.

Q. Okay. And with respect to the arrangement for the payment of -- is there a retainer letter between you -- is there some kind of engagement --

MR. BREY: Objection.

MR. FINNEY: Let me finish the question

and then you can object, okay?

Q. Is there some sort of engagement letter between you and Mr. Brey and/or you and Mr. Fein?

MR. BREY: Objection. I instruct the witness not the answer.

Q. Okay. Were you involved in the negotiation of that engagement letter?

MR. BREY: Objection. I instruct the witness not to answer.

Q. Okay. How was it that the complaint itself was drafted? Who participated in the drafting of the complaint?

MR. BREY: Objection. I instruct the witness not to answer.

MR. FINNEY: Okay. On what basis?

MR. BREY: Privilege.

MR. FINNEY: The client is Mrs. Schmidt.

MR. BREY: Right.

MR. FINNEY: And the attorney is Mr. Fein. I'm asking Mr. Bennett, who's neither of those people and is not an attorney, to tell me what involvement that he had in the drafting of the complaint.

MR. BREY: Mr. Bennett --

MR. FINNEY: If he had any involvement in the drafting of the complaint, it wouldn't be privileged.

MR. BREY: Well, actually, that's not true. Because we have made it clear all along we represent both Mrs. Schmidt and the campaign committee. And as he has testified, he has a role on behalf of the campaign committee. He hired the campaign manager and oversees a great many things, albeit from a 30,000-foot basis. So communications we had with him in his -- are in those capacities.

MR. FINNEY: Okay. Why don't we get Phil Richter on the line to talk about that.

MR. BREY: Okay. It's also work product. Let me get his number. I left it in the other room.

(A short recess is taken.)

MR. FINNEY: We're not going to get him, so we'll ask him at the hearing. Just let it go.

(A short recess is taken.)

MR. RICHTER: Hello, gentlemen. What's

up?

MR. BREY: We have a disagreement about a question of privilege.

MR. RICHTER: Privilege, okay.

MR. BREY: We're now deposing Barry Bennett. Barry Bennett is chief of staff of Jean Schmidt's Congressional office, and he is also the person who hired the campaign manager and is ultimately responsible for the campaign, which he does, you know, at least according to his testimony on his own dime or his own Blackberry and other sorts of things. The questions -- I think there are about three of them that I objected and instructed the witness not to answer on the grounds of privilege, and they're also we believe work product protected and also fall afoul of the standard that we agreed upon at the beginning with Mr. Krikorian's deposition of -- unless it has some bearing on specific allegations of the complaint, it's not going to be explored and fished into. The --

MR. RICHTER: Okay.

MR. BREY: The questions deal with who -- communications and drafting of the complaint

that we filed. "We" being Bruce Fein and Don Brey filed on behalf of Jean Schmidt in connection with our representation of her as a individual and a representation of the campaign committee.

Chris Finney can express his view. My understanding which may be a misunderstanding is that he thinks we can object as to communications with Jean Schmidt but not with -- with Barry Bennett.

MR. FINNEY: Yeah, Phil, the complaint is brought in the name of Jean Schmidt. I've asked the question if there was an engagement letter that was -- whereby Mr. Fein was retained on behalf of either Ms. Schmidt or the campaign committee, the answer is we're not going to tell you. Mr. Bennett is the chief of staff of the Congressional office, not of the campaign. He's testified that someone else was the hired campaign manager for the campaign. And I've asked him how it was that the complaint was drafted and what role he had in it. He is neither the attorney for Mrs. Schmidt. To my knowledge, he's not an attorney at law. And he's not -- he doesn't have any official role with the campaign, but more

importantly Mrs. Schmidt is the complainant in this matter, and I'm just asking what role he had in the drafting of the complaint and his attorney is instructing him not to answer.

MR. BREY: Phil, it's not usual for a for a named party that may not be the -- that you do represent as counsel in the Elections Commission, but may not be the only entity or person you represent. You know, for example, whenever an entity files something, they have to file it through a named party who is -- who signs an affidavit. You know, that's how it works. Sometimes, you know, we name that party as a party to the complaint, sometimes we don't, you know, for various reasons.

But Mr. Bennett has testified that he is the person who hires, on behalf of the campaign, the campaign manager who is accountable to him, that he doesn't involve himself on a day-to-day basis, but he does involve himself on the big pictures, on television ads and other ads and he -- and he makes decisions about that. You know, he doesn't do the fundraising, but he makes sure that there's a fundraising plan and -- and

makes sure that the plan is met. He is the person who is the normal person that would represent the campaign committee in connection with -- with issues relating to this, and that was our -- the basis of our communication.

You know, there's -- you know, that creates an attorney/client privileged relationship, and you can't breach that relationship on the ground that he has another job on behalf of the office. I mean, I don't know that he did anything -- there was some questions about what -- whether he did any of this political stuff by virtue of his status as chief of the office, and I believe his answers were generally no.

MR. FINNEY: Phil, I think what we would find -- well, do you know what, we talk these things to death. I think it's a pretty simple issue. I don't want to argue it over and over. But the reality is he's a Congressional staffer, not a campaign staffer, yet he participated in the drafting of the complaint and I want to know what his role is. There's no privilege involved.

MR. BREY: Well, we believe there is a privilege. We also believe that even if there weren't a privilege, which there is and that's the prime basis for our objection, there is -- there is nothing that's relevant to his role in drafting the complaint as to the merits of the complaint. You know, we're talking about a -- the drafting took place this year. We're talking about the truth or falsity of statements that took place -- that were made in November of 2008. And, actually, let's call Chris Finney and his co-counsel. But I think there has been an attempt to make Bruce Fein and his counsel be the issue of activities that took place in 2009 which have not been linked up in any way, shape or form to -- to money going into Jean Schmidt's campaign, which is one of the allegations, or to her in 2008. You know, there is a privilege; it's a clear privilege. Saying that there's no privilege doesn't make it so. And there's work product in addition to the attorney/client privilege. And the matter is irrelevant and goes far beyond the standard which was enunciated by Chris Finney at the June 1, 2009 deposition of -- of

Mr. Krikorian, that unless -- unless it's going to be, you know, directly relevant to one of the allegations at hand, we're not going to go into it. And I think that's what's happening here.

MR. FINNEY: Phil, I really don't want to talk these things to death, I want to get home tonight so --

MR. RICHTER: Well, I understand. And I don't want to necessarily want to get involved with it either. I guess I'm -- if the assertions are relating to Mr. Krikorian statements about, you know, the blood money, all that kind of stuff, what the -- the nature of who prepared what and their involvement in preparing the complaint now has to do with information relating to those statements.

MR. FINNEY: Well, first of all, because we intend to go after the parties involved for frivolous complaint at that hearing, and I want to talk about how it is that these statements were made and what people knew about them. Mr. -- there's a key article that was written by Mr. Fein in which he basically says that Ms. Schmidt is an Armenian Genocide denier and yet -- I'm sorry.

Did I -- that's -- I misstate the record?

MR. BREY: That is absolutely false and has been denied by every witness who's --

MR. FINNEY: Well, I can read you the statement if you want, Phil, but I don't want to waste your time.

MR. RICHTER: Well, whoa. What does that have to do with Barry Bennett here?

MR. FINNEY: Because I want to know how these statements came to be made and what the background is on them, what he knows about them. Because it turns out Mrs. Schmidt and during -- you may remember three years ago when we took Mrs. Schmidt's deposition and she refused to show up at the Ohio Elections Commission hearing for her false statement charges. She didn't remember anything. She didn't know anything. When I took her deposition this year, she said the same thing: I don't know; I have no idea; my chief of staff handled it, and she deferred at least 20 different times to Barry Bennett saying he handled it, he would know. And so I'm asking him those questions instead of her because she's the one that deferred to him.

MR. BREY: She did defer to him I think about five times, twenty is an exaggeration. But maybe it was more than five and less than twenty, who knows. But he's here to testify about what he knows about the allegations to the complaint. In terms of drafting the complaint, that's irrelevant to those allegations. And in terms of his hope that he will somehow prove that there is something frivolous, there's nothing there. And besides, you can't get rid of the attorney/client privilege to try to prove some other case on -- on that that -- that even -- that is irrelevant to the case at hand.

MR. FINNEY: Again, I'll just say one more time, Phil, he was a Congressional staffer, not a campaign staffer, and he certainly isn't Mrs. Schmidt and he's not her attorney. There is no privilege.

MR. BREY: Anyone in the campaign was accountable to him. He volunteered for the campaign; he's testified to that. He testified that he hired the campaign manager who did the day-to-day but who answered to him.

MR. FINNEY: Did you have --

MR. RICHTER: We've gone far enough afield here. And what's the question that's being objected to again?

MR. FINNEY: I'm just now trying to get to the inner workings of the drafting of the complaint and how did it come about. And I wanted to ask him about statements, then, in the complaint and how those were written and created.

MR. BREY: Which goes to the heart of communications between counsel and client in preparing the document that was ultimately filed.

MR. RICHTER: I think it's all kind of tenuous, but I'm inclined to grant that privilege at this point. I -- I'm -- I'm not clear on how that gets to the nature of Mr. Krikorian's statements. I'm not getting the linkage there.

MR. FINNEY: Well, that's fine, Phil. We'll get to it at the hearing. It's no problem. I really don't want to belabor it.

MR. BREY: Thank you, Phil.

MR. RICHTER: Have a good day, gentleman.

MR. FINNEY: Phil, if we have anything more tonight, is there a number we can call you

after the office is closed or are we done for the day?

MR. RICHTER: I'll give you my cell phone number. You guys have got to promise not to use it over otherwise. (Excerpted out and bound separately.)

MR. BREY: 4184?

MR. RICHTER: Uh-huh.

MR. FINNEY: Thank you.

MR. RICHTER: Have a good day, gentlemen.

MR. BREY: He's going to regret that, you know.

BY MR. FINNEY:

Q. Ms. Bennett, do you have an official role with the Schmidt for Congress campaign?

A. What do you mean by "official"?

Q. Well, do you have a title?

A. No.

Q. Did you have official responsibilities?

A. I had responsibilities.

Q. And what were those responsibilities?

A. Make sure the campaign was executed in the manner that needed to be done.

Q. Okay. Who is Ben LaRocco?
A. Ben LaRocco was a legislative aid that worked in our office.
Q. And there was at some point an exchange between -- well, let me go ahead and go to the -- I think it's Exhibit A to the complaint. Or Exhibit 1 to the complaint.

- - - - -

Thereupon, Defendant's Exhibit D is marked for purposes of identification.

- - - - -

MR. FINNEY: Do you have that already, Don?
MR. BREY: Do you have a copy?
MR. FINNEY: Oh, sure. I have copies.
Q. Have you seen this document that's been marked as Exhibit D before?
A. Yes.
Q. And this is a publication with Krikorian for Congress campaign that is one of the documents that's the subject of this complaint?
A. Yeah.
Q. And have you looked at the e-mail exchanges between Mr. Krikorian and Mr. LaRocco of

your office?
A. I have in the past. I would like to be refreshed if you have them.
Q. Well, I can give you copies of documents that have been produced by your two offices. Somewhere in there is the LaRocco exchange I believe. Yeah, it's right on the front.
So my question is in this document, which is two pages, there are three different quotes from Jean Schmidt's office. Do you see that?
A. Yes.
Q. Would you agree that each of those quotes accurately reflect statements that Mr. LaRocco made to Mr. Krikorian in 2008 or really on -- I'm sorry, 2007 on the dates noted?
A. I'm happy to look. Can you point me in the right direction here?
Q. Well, I think beside each quote is a date, if we can find the corresponding e-mails. On the fourth page of the document there's an e-mail from Mr. LaRocco dated 3-29-07, and I think that correlates with the first quote.

A. I guess I don't see where any sentence starts with "at this time."

Q. Okay. It doesn't start. It -- if you start after the word "though," which is the second sentence of the bigger paragraph.

A. Okay. So it's a truncated -- okay. Well, no, that's not an accurate quote at all. The first one in this document is not accurate; it's contrived.

Q. Because there's no ellipsis there?

A. Well, there's -- there's -- he left out a big part of the sentence plus the first word, yet he quotes it as if it's an entire sentence and capitalizes "at." That's incorrect.

Q. But --

A. In college he would get an F.

Q. But you would -- yeah, because you're -- you're boss has never lied in any campaign statements, correct?

A. I'm familiar with the Fs in college. We'll just leave it at that.

Q. But you acknowledge on the fourth page that that's a statement of Ben LaRocco of Ms. Schmidt's office; is that right?

A. The fourth -- you're going to have to help me. Where are you referring to now?

Q. The fourth page of Exhibit -- whatever she's marked that.

A. This -- this is an e-mail from Ben --

Q. You would acknowledge that that is an e-mail from Ben LaRocco to Mr. Krikorian --

A. Yes.

Q. -- dated 3-29-07; is that right?

A. Correct. And it's not accurately reflected on this document.

Q. Okay. And then the second one if you go to the third page of that exhibit, there's an e-mail from Mr. LaRocco there.

A. This one comes to the -- it's one sentence lifted out of context, but, sure, that one sentence seemed to be typed correctly.

Q. Okay. And then May 11th, 2007, which I think is on the -- let's see if I can find that one. Do you want to find that one, David? I'm not seeing that. I think it's in your answer.

MR. KRIKORIAN: Oh, was it --

MR. FINNEY: I'm asking.

MR. KRIKORIAN: I don't see it in here.

Q. Okay. But at least for the -- so these are the statements that you're claiming in which Mr. Krikorian accused your client of a crime; is that right?

A. Well, we think that the lead in bold and the big black square would probably be the first one I'd like to talk about.

Q. And that is accusing her of a crime because why?

A. That she has taken $30,000 in blood money to deny the genocide of Christian Armenians by Muslim Turks.

Q. And in the complaint the statement is made four different times that Mrs. Schmidt says she's never denied the Armenian Genocide. That is what's untruthful about that statement?

A. No. What's untruthful about the statement is she has taken a bribe of $30,000 to deny something.

Q. So the something is not what's untrue?

A. I would -- I would disagree with the something, too.

Q. Okay.

A. The crime --

Q. And do you deny --

A. -- is that she has --

Q. Do you deny that she has taken $30,000 from Turkish interests?

A. Yes.

Q. She didn't accept $30,000 in campaign contributions from Turkish-related interests?

A. Exactly. She has not taken money from Turkish interests.

Q. How much has she taken?

A. Zero. It's illegal to take any from Turkish interests.

Q. Well, gee, we identified Exhibit C in which you acknowledge --

A. Those are Turkish-American donations.

Q. Let me finish my question. You have to let me finish my question, and then you're allowed to answer, okay?

A. Uh-huh.

Q. You identify something as a Turkish event, and I think I referred to it as Turkish-related donations. You did not get Turkish-related donations from your Turkish event?

A. No. There are no Turkish donations .

They're American donations.

Q. Really?

A. Yes, really.

Q. Let's go to the document that starts with that. It's in front of you. If you go to the -- I don't know if they're copied on both sides in that document? I hope so.

A. Yes.

Q. So --

MR. BERY: I'm sorry. What document are we looking at?

Q. Page 9 of that.

A. It looks like this. It's not numbered. I don't know what it is.

MR. FINNEY: That's not numbered. We need to number that one.

(A short recess is taken.)

- - - - -

Thereupon, Defendant's Exhibit 8 is marked for purposes of identification.

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Q. So the ninth page of that, which would be on the fifth piece of paper.

A. Yes.

Q. There's an e-mail from Phil Greenberg dated February 20th, 2008.

A. Uh-huh.

Q. This is the official campaign fundraiser for Mrs. Schmidt?

A. Uh-huh.

Q. Why don't you read that e-mail to me.

A. The subject, "Fwd: Breakdown of Turkish-American contributions to Congresswoman Jean Schmidt" date: 2/20/2008 to -- do you want me to spell out the addresses?

Q. You don't need to. Just who is dave@jeanschmidt.com?

A. dave@jeanschmidt.com. Oh, Dave is Dave Ward.

Q. Okay. And what does the body of the e-mail say?

A. "Hi, Peter and Dave. Here's a breakdown of the Turkish contributions that are 'on the way' or have been contributed."

Q. Didn't you just tell me it would be illegal for Mrs. Schmidt to accept Turkish contributions --

A. Yes. I'm sorry. Sorry. Yes, it is.

And if you look at the subject line, it says this is a breakdown of the Turkish-American contributions.

Q. I see.

A. So that's obviously a shorthand in the body of the letter, and it does not imply that there's --

Q. Go ahead.

A. Excuse me. It does not imply that the donations are of Turkish origin.

Q. And then go two more pages in.

A. Yes.

Q. Why don't you read that e-mail to me. You can start with the subject line there, too.

A. "Turkish Checks arrive in Columbus. We get $4,800 from Turkish folks. That should finish up the event. Will bring it over when I'm down next."

Q. Okay. And so you were objecting to my terminology of Turkish-related contributions, Turkish contributions, but your own campaign staff refers to these as Turkish folks, Turkish checks and Turkish contributions, right?

A. Actually, I'm just pointing out there's

a big difference between Turkish contributions and legal donations from American citizens who happen to be of Turkish origin.

Q. Well, I'll tell you what, I -- for purposes of what you think your position is at this point in time, I'll accept that. But when I ask you a question about Turkish-related contributions, I really don't want to fight with you about it. I'm just using your terminology, okay?

A. Mr. Bein --

MR. BREY: I would object. You're not using his terminology. You're using someone in the campaign's internal terminology.

A. Mr. Finney --

Q. My point is Mrs. Schmidt has accepted more than $38,000 in contributions from these, as you all phrase them, Turkish contributions and Turkish folks, hasn't she?

A. No, to my knowledge she has not.

Q. How much has she accepted to your knowledge?

A. I don't know.

Q. Well, you're the one that brought the

complaint, right? I mean, you said that the Congressional campaign worked on this. Mr. Feik represents the Congressional campaign. You're the one that alleged that Mr. Krikorian has not -- was wrong in saying that she has taken $30,000 of this money from Turks. Now you're saying that you don't know how much it is. Which is it?

A. Are you ready for an answer?

Q. Yes.

A. Thank you. I don't know what the amount is. You've got all of the donations. You can certainly tally them up. I believe your mathematic skills are at least as good as mine. None of them are Turkish donations, which is what he wants to call them. He wants to imply that we've taken money from a foreign government, and he did over and over and over again in exchange for doing something, which is a bribe.

Q. Okay. But your own campaign refers to them as Turkish contributions.

A. Our own campaign has no -- has not -- Mr. -- in the two e-mails that you've pointed out, Mr. Greenberg has shorthanded them as Turkish donations.

Q. Was Mr. Greenberg lying when he sent those e-mails?

A. I think that's Mr. Greenberg's shorthand. If you have knowledge that those are, in fact, foreign contribution, you should report them, or if you let me know, I will.

Would this be a good time to take a bio break?

MR. FINNEY: Sure. Absolutely.

MR. BREY: Let's take a break.

(A short recess is taken.)

Q. Can you tell me all the contacts that your office has had with the Turkish -- with lobbyists for the Turkish government or with Turkish government officials?

A. Well, I can only tell you about the ones that I participated in. I don't have dates, but I think you've got those. Livingston came over once. It seems like he brought the -- if I remember right, he brought the ambassador with him.

Q. And when was that?

A. You know, I don't -- I know you've got the date. I don't -- we gave you the schedule. I

don't know what it is off the top of my head. If you want me to dig through, I'll try to find it.

Q. Was it this year or last year?

A. No, it was last year or the year before I think.

Q. And did they talk about the genocide resolution at that time? Were you in the meeting?

A. I was in that meeting.

Q. Was Mrs. Schmidt in the meeting?

A. I don't remember to tell you the truth.

Q. Okay. Who else was in the meeting besides you and Mr. Livingston and the ambassador?

A. There may not have been anybody else.

Q. Okay. And did they talk about the Armenian Genocide resolution at that time?

A. I don't remember them doing so, but I just don't remember. I remember talking about the PKK.

Q. The what?

A. PKK.

Q. And what is that?

A. It's a terrorist organization in the Kurdish portion of Iraq.

Q. And what did they talk to you about the

PKK?

A. Turkey is a victim of the PKK bombings constantly. And Turkey is constantly looking for more U.S. cooperation in fighting the PKK.

Q. Meaning when the Turks invaded Iraq to go after the Kurds, is that what you're talking about?

A. I'm talking when the U.S. military and Turkey had a combined exercise to go after the PKK.

Q. In Turkey?

A. In Iraq.

Q. In Iraq.

Okay. Anything else that they talked to you about?

A. We probably talked about the status of the talks between Armenia and Turkey. I don't remember off the top of my head.

Q. And what is the issue there?

A. Establishing diplomatic relations, you know.

Q. And why are there not diplomatic relations between Armenia and Turkey now?

A. You'd have to ask Armenia and Turkey

that. I don't know.

MR. BREY: Actually, I'll object to the premise because as of today, Turkey and Armenia have established diplomatic ties.

MR. KRIKORIAN: Well, we'll see. I saw it.

Q. What all did you guys talk about?

A. I think it happened, you know, a long time ago. It was a quick meeting. I think that was --

Q. What subcommittees and committees does Mrs. Schmidt sit on?

A. She's on the Ag Committee. She's the ranking member on the Organic Specialty Crops Subcommittee. And she is on the Transportation Committee.

Q. So why would the ambassador of Turkey come to talk to Ms. Schmidt as opposed to the other 434 members of Congress?

A. I'm guessing that she has met with 20 ambassadors from different countries around the world.

Q. Okay. But she did not, to your knowledge, participate in that particular meeting?

A. I don't know. I don't remember.

Q. Okay. What other contacts have you had with the government of Turkey or foreign agents for Turkey?

A. I've met with the foreign ministry while I was in Turkey this last trip.

Q. And did Mrs. Schmidt meet with them as well?

A. Yes.

Q. Okay. And who was that?

A. I don't know off the top of my head.

Q. Okay. What else?

A. I've met with different parliamentarians when I was in Turkey.

Q. Which time, both times?

A. Both times.

Q. Okay. Go ahead.

A. Different parties. I think that's about it. I mean, I don't know -- I mean, they have to file the reports, you know. They don't have to tell you, so I don't know.

Q. They --

A. I don't remember any other --

Q. "They" being the Turkish --

A. Foreign agents, registered foreign agents.

Q. Have to file reports?

A. Yes.

Q. And they don't have to inform members of Congress that they are filing them?

A. Correct. They don't have to get our approval to file them.

Q. Right. I understand. But I'm saying you had whatever meetings you had. I'm just asking what those contacts were.

A. Right. These are the only meetings that I remember.

Q. Okay. And has Mr. Fein ever come to your office to talk to you about Turkish affairs prior to his representation of Ms. Schmiot?

A. No.

Q. How is it that you know Lincoln McCurdy?

A. I think the first time that I met Lincoln I would guess that it was -- I think it was in a John Boehner fundraiser, but I think that was the first time I met Mr. McCurdy. Boehner, B-O-E-H-N-E-R.

Q. And what year would that have been in?

A. I don't know. '7 or '8.

Q. 2007 or 2008?

A. Uh-huh.

Q. And under what circumstances were you introduced to him?

A. He actually I think introduced himself to me.

Q. Okay. And was this fundraiser in D.C.?

A. Yes.

Q. And what kind of contacts have you had with Lincoln McCurdy since that time?

A. Periodic. Usually just, you know, phone conversation every now and then.

Q. And why would you be speaking with him about matters on the Floor --

A. He organized the last trip to the --

Q. You need to let me finish the question.

A. I'm sorry. Sorry. Sorry. Sorry.

Q. Would it be matters on the Floor of Congress or would it be campaign-related matters or other matters?

A. It was organizing the trip to Turkey that several staffers and Jean went on in May.

Q. The 2009 trip?
A. Uh-huh. Lots of conversations about that.
Q. Okay. Who went on that trip from your staff?
A. Me.
Q. Anyone else?
A. From our staff, no.
Q. No. Just you and Mrs. Schmidt?
A. Uh-huh.
Q. Have you or anyone from your staff or Mrs. Schmidt ever visited Hittite Microwave or been to Massachusetts to visit Yalcin Ayasli?
A. Not that I'm aware of, but I have no knowledge of that happening.
Q. Has Mrs. Schmidt or any member of her staff ever made promises in exchange for campaign contributions?
A. Not that I'm aware of.
Q. Has Mrs. Schmidt ever accepted any gifts from the government of Turkey?
A. No.
Q. During her trip to Turkey, did she accept any meals or lodging or any other gifts

from the Turkey government?
A. No. TCA paid for everything. All of that is approved by Ethics beforehand. It's all reported to us, what we're talking about.
Q. Have you had an opportunity to read the article written by the Southern Poverty Law Center about Turkish money flowing into the United States to influence foreign policy?
A. No.
Q. Are you aware of -- of the fact that that is occurring?
A. No.
Q. Were you aware of the actions of the government of Turkey at the beginning of the invasion of Iraq where they denied access to American troops for passage on the ground for purposes of the invasion, when the Turkish government denied that?
MR. BEBY: Objection on the grounds of relevancy. 2003 versus 2008. You can answer if you want to.
A. I've read those accounts.
Q. You have read those accounts. Would you -- would you say that the actions of the

Turkish government cost American lives because of their refusal to allow us the use of their ground for purposes of the invasion?

A. No.

MR. BREY: Objection, relevancy. Go ahead.

A. No.

Q. Would you say it made the prosecuting of the American war effort more difficult?

A. No. The invasion went pretty fast.

Q. When was the first time you had a chance to meet Mr. David Saltzman?

A. You know, I don't know that I've ever met David Saltzman to tell you the truth.

Q. Is he Mrs. Schmidt's attorney in this case?

A. He's one of them I believe.

Q. Is he also the attorney for the campaign committee?

A. I would assume.

Q. Who maintains the database of the Schmidt for Congress campaign, particularly that of campaign contributions?

A. Phil Greenberg.

Q. It's resident in his office here in Columbus?

A. I don't know if it's -- I don't know where it physically -- you asked me who maintained it; he maintains it.

Q. When was he first retained to do fundraising for the campaign?

A. I don't remember. I mean, like, you know, the FEC documents would show I guess what he would be paid, but I don't remember the start date.

Q. Mrs. Schmidt, actually she thought that even through 2008 some woman ran the campaign, and then later she acknowledged that Phil Greenberg did it in 2007 and 2008. Do you know when he first began to work for the campaign?

A. No.

MR. BREY: I would object. I think you meant run the fundraising side of the campaign. I don't think --

MR. FINNEY: What did I say?

MR. BREY: You said ran the camp -- she first thought a gal ran the campaign, and then Phil put --

Q. Who maintained the database prior to Mr. Greenberg taking over?
A. Peter I believe.
Q. And what was it, just an Excel spreadsheet?
A. No. It's a fairly sophisticated campaign reporting software.
Q. Do you know who Mrs. Schmidt met with when she was in Turkey in terms of government officials?
A. As I recall, the only -- well, it seems like we met with some parliamentarians. I'm not crystal clear on it. But she certainly met at the foreign ministry with the assistant minister of north -- of North and South America. We had lunch there.
Q. Have you ever heard of Feutallah Gulen?
A. The same sounds familiar, but I -- you know --
Q. You don't know who that is?
A. I don't know who that is.
Q. Do you know if any of the organizations that have been cited in this case which would start with the Turkish American Coalition and

others, if any of those organizations receive money from the Turkish government?
A. I would say that they don't. I'm sorry.
MR. BREY: Go ahead.
Q. And why would you say that?
A. Because it would be illegal for them to do so, and no one has made those accusations.
Q. What about the Turkish American Legal Defense Fund?
A. I don't know.
Q. What about the -- let's see. Association of -- Assembly of Turkish Associations?
A. Never heard of them.
Q. Why don't we take a few minutes with my client to make sure, and we'll wrap up.
(A short recess is taken.)
MR. FINNEY: Back on the record. I don't have any further questions for this witness.
MR. BREY: I have no questions for the witness. I would advise the witness to read the transcript. She can either type up the transcript 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 : C E R T I F I C A T E
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 F. 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 8, 2011.

Barry Bennett August 31, 2008

Witness Errata and Signature Page

Specimen Depositing Edi Transcript of Charge Checks

Date: 375 Dana Michael Avenue 1 - Normal/Lay 6 - Word

Address: Columbus, Ohio 43206 3 - Rolling Notes 4 -

Telecommunication:

Phone - 614-488-[redacted] Fax - 614-464-8348 5 - Other Check if you are

Email - [illegible]

Page/Line Statement, Additions or Changes Reason for

By Barry M. Bennett, have read the foregoing transcript of my deposition testimony and to the extent indicated in the attached errata sheet, I adopt the statements as my own.

I understand that I may correct the transcript of my testimony, but that my corrections may be used to impeach me.

I am aware that I have the right to read the transcript.

Date _____ Signature

With a copy of the transcript, I also have the opportunity to review and make changes to the transcript.

Date _____ Signature

EXHIBIT 21

Jean Schmidt
2nd District of Ohio
[illegible]
Washington, DC 20515
[illegible]

Congress of the United States
House of Representatives

Committee on Agriculture
Subcommittees
Family Farms, Renewable Energy and Organic Agriculture
Department Operations, Oversight, Nutrition, and Forestry
Conservation, Credit, Energy, and Research
Committee on Transportation and Infrastructure
Subcommittees
Aviation
Highways and Transit
Railroads, Pipelines and Hazardous Materials

September 17, 2009

The Honorable Zoe Lofgren
Chair
Committee of Standards of Official Conduct
Room HT-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
[illegible]
[illegible]
www.house.gov/schmidt

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,

Jean Schmidt
MEMBER OF CONGRESS

EXHIBIT 22

JOE BONAMICI, OREGON
CHAIR
KEN STARR, KENTUCKY
U.S. DISTRICT COURT JUDGE (RETIRED)
RANKING MEMBER
KATHY CASTOR, FLORIDA
PETER WELCH, VERMONT
DANIEL J. TAYLOR
COUNSEL TO THE CHAIR
T. MARIE DONAHUE
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
RANKING REPUBLICAN, DE VOLP
MICHAEL C. BURGESS, TEXAS
CHARLES W. DENT, PENNSYLVANIA
GREGG HARPER, MISSISSIPPI
MICHAEL T. MCCAUL, TEXAS
KELLY A. STRICKLAND
COUNSEL TO THE RANKING
REPUBLICAN MEMBER
WASHINGTON, THE CAPITOL
(202) 225-7103

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.[1] 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

[1] 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.[2] 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.

---

[2] 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."[3] 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.[4]

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.[5]

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.[6] 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;[7]
- 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;[8]
- Trust funds can be used only to pay legal expenses, or the expenses incurred in soliciting for or administering the trust;[9]

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[3] *See* House Rule 25, clause 5(a)(3)(E). *See generally 2008 House Ethics Manual* at 63-65.

[4] *See* Standards Committee Legal Expense Fund Regulations ¶¶ 1, 11 (June 1996), *reprinted in* Appendix to the *2008 House Ethics Manual* at 394 (LEF Regulations).

[5] LEF Regulations ¶ 2.

[6] LEF Regulations ¶ 3.

[7] LEF Regulations ¶ 11.

[8] 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;[10]

- Excess funds must be returned to the contributors;[11] 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.[12]

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.[13] In addition, Members must file quarterly reports on the public record regarding certain contributions and expenditures under the Committee's regulations.[14]

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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[9] LEF Regulations ¶ 7.

[10] LEF Regulations ¶¶ 8-9.

[11] LEF Regulations ¶ 7.

[12] LEF Regulations ¶ 11.

[13] LEF Regulations ¶ 12.

[14] 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)).[15] 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."[16]

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.[17]

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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[15] *See* Comm. on Standards of Official Conduct, Advisory Opinion No. 6, *reprinted in* Appendix to *2008 House Ethics Manual* at 375, 376.

[16] House Select Comm. on Ethics, *Final Report*, H. Rep. 95-1837, 95th Cong. 2d Sess. (1979) at 16.

[17] *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.[18] TCA did employ registered lobbyists in the past, and very likely will continue to have issues pending before Congress.[19] 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.

---

[18] 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.

[19] 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.

Sincerely,

Zoe Lofgren
Chair

Jo Bonner
Ranking Republican Member

ZL/JB:pgp

EXHIBIT 23

BEFORE THE OHIO ELECTIONS COMMISSION

- - - - -

Joan 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-[redacted] or 800-635-[redacted]
www.spectrumreporting.com

- - - - -

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, 8:55 a.m.

- - - - -

S T I P U L A T I O N S

- - - - -

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.

- - - - -

I N D E X

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(Exhibits attached to the original transcript.)

DKSub_0110
11-6574_0282

Bruce Fein

being first duly sworn, testifies and says as follows:

CROSS-EXAMINATION

BY MR. GERAGOS:

Q. Thank you. Good morning. Mr. Fein, we introduced ourselves off the record. I'm Mark Geragos, and I represent David Krikorian along with Chris Finney who is also present. You're here today with your lawyer.

A. Yes.

Q. Okay. And --

A. Mr. Don Brey.

Q. And I understand that you have -- have you had your deposition taken before? Have you taken a deposition?

A. I have taken depositions. I've had my deposition taken in other cases.

Q. Okay. And you understand what a deposition is, you're under oath and that there's going to be a record made of this and that can be used later on either to impeach you, support you --

A. Yes, I do.

MR. BREY: I -- I probably should interject at this point. I know I e-mailed you folks about this, but I also know that, Mr. Geragos, you were not present at the deposition of Mr. Krikorian --

MR. GERAGOS: Uh-huh.

MR. BREY: -- when Mr. Finney did state that this is a political matter and unless it has some specific bearing on the allegations, the complainants don't really go there in terms of you're not going to explore and fish into Mr. Krikorian's background for purposes of getting political text that Mrs. Schmidt wants to throw at him at a later date. So unless you can give me some idea why -- I think there was a question that I believe I withdrew -- that's remotely relevant to the allegation of this complaint, Armenian Genocide and the allegations that Mr. Krikorian has made about it, we're not going to answer that question or any other questions that really are not pertinent to the issues at hand. This is page 10 of the transcript.

And he goes on and says that we're going to try to limit this to the issues at hand

instead of giving her whatever ammunition she wants for her political activities. And I said okay. I think that's a fair rule of the road as long as you understand it's going to be applied in both directions.

I don't think you've crossed that. I just wanted to state at the beginning, but that's my understanding of the rule of the road for what we're here today on.

Q. So Mr. Fein, presently, are you a -- do you know what the Turkish American Legal Defense Fund is?

A. Yes.

Q. Do you have a connection to the Turkish American Legal Defense Fund?

A. Yes, I'm a lawyer with -- it's known as TALDF is the acronym.

Q. And when you say you're a lawyer, did you form the Turkish American Legal Defense Fund?

A. I was asked at one time and I still do work in communications for the Turkish Coalition of America, and there seemed to be a large number of First Amendment and related issues that had concerned the Turkish-American community. And I

amongst others talked about forming a Turkish American Legal Defense Fund as an arm similar to the NAACP Legal Defense Fund and other legal defense funds to protect free speech rights.

Q. So my question was --

A. So to that extent, was I a participant in discussing it, yes.

Q. No. I asked you if you formed it. In other words, did you --

A. Oh, form?

Q. -- prepare the legal documents?

A. No.

Q. Did you come up with the idea for it?

A. By myself, no.

Q. Well, did you do it in connection with somebody else?

A. I think I participated in discussing this idea, yes.

Q. With who?

A. David Saltzman, who is also a lawyer for the Turkish American Legal Defense Fund. I think I may have discussed it with Lincoln McCurdy as well.

Q. Okay. And would you -- do you remember

what year that was?
A. I think it was this year, 2008, or maybe it was late 2007.
Q. Okay. And did you --
A. Something like that.
Q. Did you form -- are there only two principals of the -- you call it TALDF; is that correct?
A. That's correct.
Q. And are there only two principals of TALDF?
A. Yes. If I can explain, TALDF to my understanding is not a separate corporate entity. It is under the umbrella of the Turkish Coalition of America.
Q. Okay.
A. And it's paid by the Turkish Coalition of American. It's not separately incorporated with a separate board of directors.
Q. And are there only two principals of TALDF?
A. There are only two lawyers who work for it. The answer is yes if that's --
Q. And the two lawyers are you and

Mr. Saltzman?
A. Correct.
Q. Who is Mr. Saltzman's partner?
A. I don't know.
Q. You don't know his partner?
A. As -- I mean in TALDF? No, he works with me.
Q. Does he have a partner in his law firm?
A. What's his law firm's name?
MR. BREY: I would object.
Q. Do you know his law firm?
MR. BREY: I would object.
MR. GERAGOS: I understand you're objecting. Are you instructing him not to answer?
MR. BREY: I would object and ask you to tell me, give me some idea why that's remotely relevant to the allegations of the complaint --
MR. GERAGOS: Okay. We're laying a foundation --
MR. BREY: -- and your meaning of genocide and the --
MR. GERAGOS: When I finish -- it's all foundational. I'm just establishing.
Q. Who is Mr. -- who is Mr. Saltzman's

1 partner?
7 MR. BREY: Again, I will object --
2 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 --

MR. BREY: You know, you can make your objections the way you do. I'll make them the way I do.

MR. GERAGOS: You can do whatever you want.

MR. BREY: I appreciate that.

Q. Can you answer that question?

MR. BREY: I think that if you think you are not bound by the ground rules maybe this is a time that we can have a conversation with Phil Richter.

MR. GERAGOS: We don't need to.

Q. Now, did you --

MR. BREY: In that case, I'll instruct him not to answer.

Q. The Turkish Coalition of America, are you a member of the Turkish Coalition of America?

A. I work with the Turkish Coalition of America on communications. I don't know -- there's not a -- to my knowledge, it's not a membership organization.

Q. Did you form the Turkish Coalition of America?

A. No.

Q. Do you know who did?

A. It would just be speculation.

Q. Well, speculate. Who is it?

MR. BREY: Objection. I instruct the witness not to speculate. You're entitled to what he knows and not to what he speculates to.

MR. GERAGOS: No. I'm entitled to any information that may lead to relevant evidence.

MR. BREY: Speculation --

A. Yes. It would be pure speculation. I don't know.

Q. And what's the address of the Turkish Coalition of America?

A. All I know is the Washington, D.C. address.

Q. And what is that address?

A. It's 1025 Connecticut Avenue Northwest, Suite 1000.

Q. Okay.

A. And the zip code is 20036.

Q. Is that also the address for the Turkish American Legal Defense Fund?

A. Yes, it is.

Q. Okay. Is that also an address that you

use for Fein & Associates?
A. Occasionally, yes.
Q. When you say "occasionally," do you have another office address besides that?
A. I do. I have an office at -- out of a home in Wellington, Florida.
Q. Out of where?
A. Wellington, Florida.
Q. Florida. So the only other actual office that's not in a home is at the same location as the Turkish American Legal Defense Fund?
A. Yes.
Q. And that's also the same location of the Turkish Coalition of America?
A. Yes.
Q. And specifically, does the location in Washington, D.C. also house any other organizations that you're aware of?
A. I think that the building houses lots of different organizations, but --
Q. No, I'm talking --
A. -- I don't know about that.
Q. I'm talking about that floor. Have you

ever heard of the Assembly of Turkish American Associations?
A. I have heard of that.
Q. Okay. Didn't you represent them?
A. I didn't represent them. I at one time -- I worked with them years ago, but I have no knowledge that they're in that building.
Q. Well, when you say -- didn't you represent them in the year 2000?
MR. BREY: Object.
Q. Didn't you represent that the Turkish -- the ATAA in the year 2000 and 2001?
A. What do you mean by representation? That's unclear to me.
Q. Did you act as the attorney for them?
A. I did not act as an attorney for them, no.
Q. No? And you didn't file documents in the district court of Ohio?
A. I -- I -- I do have a recollection, yes. Mr. Krikorian, in fact he excused me -- Mr. Geragos, you are in that case. This was a sentencing proceeding out in Northern District of Ohio concerning a Mourad Topalian.

Q. Right. And specifically I'm going to ask you, did -- you are an attorney at law, correct?
A. Correct.
Q. And at one point did you office at 6515 Sunny Hill Court in McLean, Virginia?
MR. BREY: Objection. I don't know how that's relevant to any issue in this case.
MR. GERAGOS: Okay. Do you want -- is that -- are you instructing him not to answer?
MR. BREY: Unless you comply with the ground rules and tell me --
MR. GERAGOS: I'm not complying with any ground rules and any of your nonsense.
MR. BREY: Excuse me. I --
Q. Do you see this, Mr. Fein? Is this your letterhead?
MR. BREY: I did not --
MR. GERAGOS: I don't have -- I don't -- if you have an objection, state it. If you are just going to stutter, I don't want --
MR. BREY: You have no right to interrupt me. I'm not stuttering --
MR. GERAGOS: I can interrupt any time

I want.
MR. BREY: Then I will interrupt you any time I want and complete my objection.
MR. GERAGOS: That's fine.
Q. Is this your letterhead, Mr. Fein?
A. Yes.
Q. And that shows you as having an office in McLean, Virginia, correct?
A. Yes.
Q. Okay. Now, is this --
A. That was an --
Q. -- document --
A. -- office that was out of my home.
Q. Is this a document that you wrote and you authored, the one I'm showing you?
MR. BREY: I would object. This is attorney/client representation. I mean, you can ask whether he signed it. But who authored it, I don't think -- I think that's a work product protection.
Q. Did you author this?
MR. BREY: Objection. Instruct the witness not to answer.
Q. Is that your signature?

A. Privileged.
Q. It's privileged as to whether you authorad it?
Did you address it to a court, a federal district judge?
A. It speaks for itself.
Q. Well, I didn't ask you if it speaks for itself. Did you address to Ann Aldrich?
A. Yes.
Q. Okay. And did you file this and have this cause to be filed in a federal district court?
A. Yes.
Q. And in there did you write that it's a -- a document that you requested be considered as a memorandum?
A. Yes.
Q. Okay. And does the first paragraph say: Comes now the Assembly of Turkish American Associations by and through its counsel, Bruce Fein?
A. Yes, that's what it says.
Q. Was that an accurate statement that you --

A. Yes.
Q. -- represented the Association or the Assembly of Turkish American Associations, ATAA?
A. Yes.
Q. And when you filed this, it was dated October 20th of 2000; is that correct?
A. Yes, that letter is dated October 20th, 2000.
Q. Okay.
MR. GERAGOS: The record could reflect that Tina Glandian, who is an associate of my office, is also present.
And I'm going to mark this as exhibit first in order.
- - - - -
Thereupon, Defendant's Exhibit A is marked for purposes of identification.
- - - - -
Q. How long had you represented the Assembly of Turkish American Associations by -- at the time of November of 2000?
A. My recollection is I represented them in that case for that case. I was not a permanent lawyer for ATAA.

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Q. When you well -- when you say your recollection, when I first asked you about this just a couple minutes ago, you had no recollection of ever representing them; is that correct?

A. That is right.

Q. Okay. And now that I've shown you the actual document, does that refresh your recollection that you did in fact represent them?

A. Yes, on that case.

Q. And specifically did you not only file a -- something that you called either a memorandum or a letter, did you also make an appearance in this case?

A. Yes. I was present and I had an opportunity to make a statement before Judge Aldrich.

Q. Okay. Now, who hired you to represent the Assembly of Turkish -- whatever it is?

A. I -- I was --

Q. The ATAA.

A. ATAA had -- I was working with them in a different capacity, not necessarily as a lawyer, writing and examining the record with regard to the application of the genocide convention and the

statutes against genocide to the World War I events.

Q. And when was that, when were you hired?

A. My best recollection would be in around 2000, 1999, something like that.

Q. Okay. When you say not as a lawyer, what were you retained as?

A. Just as a writer and an advocate on this issue and the application of the law there. I was not filing court papers, and I was not retained as a lawyer.

Q. And when did that change into you acting as a lawyer?

A. That -- I believe they asked me to prepare that document because the Topalian -- the people at ATAA.

Q. Well, who is it that asked you?

A. Who was the director and the controlling --

Q. No, who asked you?

A. -- person?

Q. Who asked you?

A. It would be the people who were running ATAA.

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Q. Weren't you running ATAA?
A. No, I was not.
Q. You didn't have anything to do with ATAA except the -- except as some kind of a scholar or adjunct?
A. That is correct.
Q. Do you know who formed ATAA then?
A. No.
Q. Was it you?
A. No.
Q. Was it Mr. Saltzman?
A. I don't think so, but I don't know who formed it.
Q. Wasn't Mr. Saltzman and his partner involved in the ATAA back then?
A. I don't know what their involvement was. I know that David Saltzman is interested in these issues and he may have been involved. I think Gunay Evinch was involved in some capacity, but I don't know whether they formed it.
Q. When you say "involved in some capacity," those are the only two people that you ever met in connection with ATAA; isn't that correct?

A. No. I had met Guler Koknar who was also someone who worked on the day-to-day operations.
Q. Okay. And there isn't anybody besides those three, is there, that you ever met?
A. I met them. I can't say I recollect their particular names, but in meetings there are certainly more than those three.
Q. Well, those three are the only two whose names you can recollect; is that correct?
A. That is right, yes.
Q. And specifically those three are the only three that have ever contacted you regarding any of these issues directly; isn't that correct?
A. Any of these issues meaning?
Q. Well, any of the -- you've been a -- you consider yourself to be a genocide denier?
A. No.
Q. Well, haven't you written articles that -- denying the genocide?
A. I've taken a position on the state of the evidence at present. There has never been in my judgment a tribunal that has adjudicated the case of whether or not the events of 1915

satisfied the 1948 convention against genocide or the federal statute that implements that convention. The evidence --

Q. I didn't ask you --

A. -- to my knowledge --

Q. I didn't ask you that. I just asked a simple question.

A. I have -- I'm trying to explain my -- I understand that.

MR. BREY: You have no right to interrupt the witness.

MR. GERAGOS: Stop. Are you yelling me at for some reason?

MR. BREY: You have no right to interrupt witness.

MR. GERAGOS: Why don't you just relax.

MR. BREY: Why are you interrupting all the time? You have no right to interrupt the witness.

MR. GERAGOS: Because I will conduct this deposition --

MR. BREY: You have no right to interrupt the witness' response.

MR. GERAGOS: You have some kind of a

chip on your shoulder. Relax.

MR. BREY: You have some kind of a perversion in terms of how you ask questions.

MR. GERAGOS: I can ask questions. When you --

MR. BREY: You have no right to interrupt a witness when they're testifying.

MR. GERAGOS: We're not going to talk to you.

Q. Now, let me ask you a simple question.

MR. BREY: When he's through with answering the question.

A. I was not through with the answer.

MR. GERAGOS: He's answering a question I didn't ask.

MR. BREY: I instruct the witness --

MR. GERAGOS: That's fine. Instruct him to do whatever you want.

MR. BREY: -- not to answer any questions unless he finishes the answer to the question that you interrupted and cut him off from.

Q. Do you have a connection with something called the Lichfield Group?

MR. BREY: Have you, Witness, answered the question he interrupted you on?

THE WITNESS: No.

MR. BREY: Would you like to finish that?

MR. GERAGOS: We're not here to -- to let him like to do anything else. I'm conducting the deposition. If you want to ask him questions, when I'm done, you will have that opportunity.

MR. BREY: That's not how it works.

MR. GERAGOS: That's way a deposition works.

MR. BREY: No. The way a deposition works is you can ask a question.

MR. GERAGOS: I don't need to get into a discussion with you.

MR. BREY: You started with Mr. Fein -- you asked a question --

Q. Mr. Fein, are you a principal of the Lichfield Group?

MR. BREY: He can ask you a question and you can answer it. He has no right to interrupt your answer and tell you not to.

MR. GERAGOS: I will interrupt if he's

not answering and if it's not responsive. And that's exactly what it was.

MR. BREY: No. You make an objection.

Q. Are you a principal of the Lichfield Group?

A. Yes.

Q. Is there any other person who's also a principal of that group?

A. My wife.

Q. All right. And are you a registered or have you been a registered foreign agent?

A. Ever?

Q. Yes.

A. Yes.

Q. How many different governments have you been a registered foreign agent for?

A. One.

Q. What was that?

A. The government of Sudan years ago.

Q. How about the government of Togo?

A. I think I was.

Q. Okay. So your answer one is incorrect?

A. Yeah. I --

Q. How about the government of Pakistan?

A. I could have been. That's years ago.

Q. Okay. So when you when you said --

A. I'm -- I do not --

Q. I just asked a simple question.

A. Those are years ago.

Q. Okay. I asked you if you had been a registered foreign agent; you said one. That's incorrect, right?

A. That's -- yeah, that was --

Q. That is incorrect.

And you've been a registered foreign agent for at least three other governments; isn't that correct?

A. I don't have any distinct recollection, Mr. Geragos. You're talking about years ago.

Q. Well --

A. So --

Q. -- when you say --

A. -- you're asking me --

Q. When you say years ago, are we talking about the 1990s?

A. I consider that years ago, yes.

Q. Okay. And specifically when you

registered as a foreign agent for Togo, do you remember what year that was?

MR. BREY: I would object and instruct the witness not to answer unless you show there's some basis why this is remotely relevant to the --

MR. GERAGOS: It goes to -- it goes to the precise allegations of this case. If you want to keep instructing him not to answer, that's your look out.

Q. The Assembly of Turkish American Associations, is that a group that is also housed at this same address in -- is that Connecticut Avenue, the 1000 block?

A. Not to my knowledge, no.

Q. Okay. Do you know where it's housed?

A. No.

Q. Have you referred to yourself as a resident scholar or an adjunct scholar of the ATAA?

A. Years ago.

Q. Okay. And have you in addition to that posted commentary on their website?

A. I would not have personally posted commentary on their website. What is the time

frame?

Q. Do you know if -- I'm asking you if you go to the ATAA website if there's commentary by you posted on there?

A. I don't know. I have not visited the ATAA website.

Q. Do you know who operates the ATAA?

A. No.

Q. Okay. Are you familiar with Sibel Edmonds?

A. The only occasion I've had to encounter her was her deposition in August.

Q. Okay. When you --

A. In -- in this case.

Q. You attended that deposition?

A. I attended the deposition, yes, sir.

Q. And did you hear about the allegations that she made?

A. I listened to everything she said.

Q. Okay. And do you have reason to believe that any of those allegations are untrue?

A. I have reason to suspect all of them are untrue.

Q. Okay. What's the reason that you

suspect that they're untrue?

A. Well, Mr. Geragos, she made so many allegations, you would have to start identifying which ones.

Q. I will. I will.

A. For example one -- I'll give you an example. One of the allegations that she made --

Q. Well, you asked me to identify and I will do that.

A. Seven allegations. She -- she made allegations that the following members of Congress had taken bribes from the Turkish government: Dennis Hastert, Tom Lantos, Dan Burton, Roy Blunt, Robert Livingston -- let's see, what other one, maybe -- and then those I have reason to believe are all liar.

And plus she also made the allegation that a current member of Congress, a woman, had attempted to be blackmailed by the FBI and some woman from a Turkish organization by showing that she had lesbian orientation and there are photographs that were taken of her being compromised, but she didn't give the name of this 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.

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Q. And you said you've got reason to believe that Sibel Edmonds' allegations are a lie in regards to Mr. Livingston being bribed?

A. Yes.

Q. Okay. And on what do you base that reason?

A. No. 1, ordinarily if you have allegations of bribery, you take them to the FBI, The Justice Department and you produce some proof of money passing from the government to an individual in exchange for taking a position in Congress. So the gist of her allegations were that, Mr. Geragos, that money was given to these members to shape their view on the particular Armenian resolutions pending in Congress.

Now, when I asked Sibel Edmonds at that deposition whether she had ever gone to Mr. Holthouse or others and claims that these crimes had occurred, she said no. And so based upon the state of the public record, the seriousness of the allegations, and we know the Justice Department, I was there for 15 years, we investigate very seriously allegations of crimes against members of Congress, and that nothing of

that sort of inquiry has undertaken, gives me a moral certainty that Mr. Livingston did not take a bribe from the government of Turkish to affect any position he had has a member of Congress.

Q. Well, so it's because there was no investigation done? Do you -- did you understand that Ms. Edmonds was under an obligation where she could not report it at the time?

MR. BREY: Which question do you want an answer to? You asked two.

MR. GERAGOS: He doesn't seem to have a problem with answering the question.

Q. Do you -- did you understand that when you listened to her deposition?

A. She was making all sorts of allegations, and only she could know whether or not -- my understanding of the prohibition was that if she believed something from the public domain, even if it had previously been classified -- because, you know, in her case there had been a retroactive classification of some of the things that she had stated to Congress -- then she could refer to those kind of things. I had asked her whether at present based upon her

current state of knowledge she had gone to the attorney general, the FBI, and reported these crimes. She said no.

Q. Okay. I'm not asking you about that. I'm asking you specifically: Do you have any information that the wire taps that she listened to or any of the investigative reports that she translated and what she testified to independently are false?

A. My -- I think the overwhelming circumstantial evidence is yes. I worked with the FBI long, long years. These are people of the highest integrity. There was never a case where I had ever encountered the FBI overlooking a serious allegation of a crime of bribery committed by a member of Congress with indifference. So that if she had that information that would been available to the FBI -- it's a Title III wiretap -- and nothing was done, then that gives me confidence to a moral certainty that the crime had not been committed.

Q. I'm not asking you --

MR. BREY: I would also object --

Q. I'm not asking you whether you've got a

moral certainty. I'm asking you do you have any evidence? Did you --

A. Circumstantial evidence is evidence in my mind.

Q. There's no circumstantial evidence what circumstantial evidence do you have?

A. The circumstantial evidence is that the FBI handles jurisdiction over bribery cases against members of Congress.

Q. Right. And --

A. And if she had the information in a Title III wiretap available to the FBI, which did nothing --

Q. Why --

A. -- because the FBI has undertaken no investigation of Mr. Livingston's bribery.

Q. Do you know that? How do you know that?

A. That is -- because these --

Q. How do you know that?

MR. BREY: Objection.

A. The circumstantial evidence is overwhelming.

Q. What is the circumstantial evidence?

Because there was no investigation?

A. The regularity of the proceedings of the FBI. Mr. Geragos, I worked there for 15 years.

MR. BREY: We're going to take a break right now.

MR. GERAGOS: We've heard that four times.

MR. BREY: Off the record. We're going to Phil Richter right now --

Q. We've heard that four times and --

MR. BREY: -- to see whether you can continue interrupting Counsel and --

Q. Specifically I'm asking you --

MR. GERAGOS: Are you going to stop the deposition?

MR. BREY: We are going to stop the deposition to talk to Phil because you are using abusive behavior over and over again, interrupting the witness --

MR. GERAGOS: It's too bad we don't have a videotape of this that we could see your actions in this. The only abusive behavior is you standing up and apparently have a blood pressure

problem. I'm asking questions. And I'm not -- we don't need to call Mr. Richter like reporting to the principal's office. You're either going to produce him to answer the questions or you're not.

Q. Mr. Fein, are you going to refuse to answer the questions?

MR. BREY: We're not doing anything until we talk to Phil.

A. I'm waiting for my counsel.

MR. GERAGOS: I'm not agreeing to talk to Mr. Richter about anything.

THE REPORTER: Are we off the record now?

MR. BREY: It's up to Mr. Geragos. Let's stay on the record.

(Mr. Richter is called.)

MR. RICHTER: This is Phil Richter.

MR. BREY: Hi, Phil, this is Don Brey. We're here at my office with a cast of characters. Bruce Fein is being deposed. We also have Mr. Geragos, who is taking his deposition, and we have Chris Finney and another woman who's counsel to -- Tina Glandian?

MS. GLANDIAN: Yes.

MR. BREY: -- who is co-counsel with Mark Geragos and David Krikorian. Against Mr. Geragos' wishes, I called a stop because I wanted to chat with you. Mr. Geragos has repeatedly interrupted the witness, talked over the witness, talked over me. And I believe that that's improper conduct of a deposition.

MR. GERAGOS: I'm going to -- Mr. Richter, I don't know why he's calling you other than he seems to have some kind of a chip on his shoulder this morning. I'm asking questions, he jumps in the middle of it, he doesn't -- if I -- if I ask a question that I don't get an answer to and ask it again, he jumps in the middle. I don't even know why we're on the phone with you, frankly. I'm trying to ask questions of Mr. Fein, and Mr. Brey is -- jumps in the middle and seems to have some kind of issue with me this morning, which I -- which I guess seems to be a continuation of the issues that he had with me when we were on the phone before. I'm at a loss to figure out why we're on the phone with you, other than he just doesn't seem to want the deposition to go forward.

MR. BREY: Phil, that's not the case. But obviously one of his characteristics is to make personal comments towards me as he's doing now and how he has done throughout the deposition, which is -- I'm sort of inured to that. I'm not too concerned about that.

But, Bruce, how many times would you estimate he's interrupted you from answering a question?

MR. GERAGOS: You know, Phil -- Mr. Richter, I frankly am not going to be a party to I guess an evidentiary hearing on the deposition. We have a court reporter here. The court reporter is taking down everything that's happening. I -- I've asked him if he's going to instruct -- if he's going to object -- and rather than doing speaking objections to just object and state the grounds and either instruct the witness to answer or not answer. He gets fired up every single time and starts stuttering and -- and getting into it. I don't need to go there. All I need -- and we've got a record. And I would just ask that you instruct him to conduct himself appropriately at the deposition and we have a

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record of it, and I don't even know why we're calling you at this point.

MR. BREY: Well, we're calling you because he interrupts the witness when the witness is answering. He interrupts me when I say anything and then accuses me of stuttering. You know, if the record shows that I'm behaving inappropriately, that's fine. I did read to him the agreement that Chris Finney said on the ground rules, and I think part of the issue is he doesn't think the ground rules should apply to him. Although that's really -- sort of off the point. My main concern is he has a right to ask a question, you know, I have a right to state an objection, and the witness has a right to answer the question without interruption, all of us.

MR. RICHTER: It all sounds reasonable to me. I'm not there, so I certainly haven't been able to witness any of the goings on. It's a little tough to get in the middle of those kind of things.

MR. FINNEY: Phil, this is Chris Finney. It just seems to me that the record is going to be what the record is. Mr. Geragos

doesn't like how Mr. Brey is interrupting him, and Mr. Brey doesn't like how Mr Geragos is asking questions. The elections commission will be able to sort all of that out if deposition is used for impeachment purposes or used for testimony purposes at the hearing. So as far as I'm concerned, it just ought to go forward and, you know, let the chips fall where they may.

MR. BREY: I'm not --

MR. RICHTER: Hold on there. That certainly sounds reasonable to me. But I'll admonish both sides just to -- let's just make sure this thing gets done, let's just make sure this thing moves along at an appropriate pace, allow persons to answer, and neither side hopefully would jump in where they shouldn't be jumping on both sides.

MR. BREY: All right. I appreciate it. So I think if we don't interrupt each other, I won't interrupt him, he won't interrupt me and the witness, and we should be able to get this done I hope.

MR. RICHTER: I hope. That works for me.

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MR. BREY: Thank you, Phil.

MR. RICHTER: Gentlemen, have a great day.

BY MR. GERAGOS:

Q. I'm going to ask you again. The specific -- specifically the commentary at the ATAA -- oh, wait a second, let's go back.

A. Yeah.

Q. You don't have any evidence other than just -- you haven't seen any documentary evidence that would refute any of Sibel Edmonds' allegations, have you?

A. Documentary evidence.

Q. Right. Do you understand what I'm saying --

A. Well, yes.

Q. -- by "documentary evidence"?

A. Yes, I do.

Q. And documents --

A. And my evidence is circumstantial evidence based upon my long years. That's what it is.

Q. Okay. Now, when you say "circumstantial evidence," circumstantial evidence

generally includes documentary evidence, does it not?

A. It may or may not.

Q. Okay. And it also would include things like witnesses, potentially; isn't that correct?

A. Documentary evidence or circumstantial evidence?

Q. Circumstantial evidence.

A. It could be. Could be the absence of witnesses.

Q. Okay. Well, do you have any -- have you talked to any witnesses who refute Sibel Edmonds' allegations?

A. Well, it's hard to get witnesses to something that didn't happen. I don't know of anyone who has said they've ever seen or have belief or have seen Robert Livingston receive bribes from the government of Turkey, especially because the bribery allegations means that it affected his decisions as a member of Congress. And I'm trying to explain, Mr. Geragos, I believe as you know as a lawyer there's things called circumstantial evidence, a regularity of proceedings that happens.

Q. Right. I'm not asking that question.
A. When -- when --
Q. That's why I interrupted before. I'm asking you a specific question, okay?
A. Okay.
Q. Do you have -- have you seen any documentary evidence that refutes Sible Edmonds' allegations?
MR. BREY: Clarification. Are you talking about just her allegations on the oribery thing?
MR. SERAGOS: He's the one who listed these seven allegations.
Q. Isn't that what you said?
A. Yes.
Q. Okay. And have you seen any documentary evidence that refutes those seven allegations?
A. I've seen no documentary evidence on either side of the equation.
Q. Okay. Didn't she testify that she had seen documentary evidence?
A. That's not my recollection, no.
Q. Okay. Well, you said there was a Title

III wiretap, didn't you?
A. That doesn't mean it's documents. That's overhearing conversations. And my --
Q. Well, do you know what --
A. My recollection -- my recollection, Mr. Seragos, of her testimony was not that she heard voices saying words to the effect, let's give Bob Livingston a bribe.
Q. All right. I'm asking you didn't she testify that she had -- that she was privy to documentary evidence about members of Congress being compromised -- and I think you listed the seven. Wasn't that her testimony?
A. My recollection is no. She did not testify, I have documentary evidence that these members of Congress received bribes. That is not my recollection, no, sir.
Q. Did she testify that she had circumstantial evidence that these congressman had been --
A. I do not -- I do not --
Q. -- compromised? Will you let me finish --
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.

Q. Okay. And do you know whether or not the government of Turkey has funded the Turkish Defense -- Legal Defense Fund?

A. The TALDF is paid by the Turkish Coalition of America.

Q. Do you know where the Turkish Coalition of American gets its funding?

A. I do not trace the background of the -- excuse me, could I take a pause and let me recollect my thoughts, please.

Can you repeat the question?

Q. Do you know where the Turkish Coalition of American gets its funding?

A. My understanding is it gets their predominate amount of funding from its founder who is in Massachusetts, Mr. Ayasli.

Q. And who is that?

A. He's a businessman up there who takes a great interest in Turkish American issues.

Q. Okay. Do you know if the -- any of the funding comes from the government of Turkey?

A. To a moral certainty, I would say no.

Q. Okay. I'm -- I didn't ask you to a moral certainty. I'm asking you if you know.

A. You need to specify the strength of conviction, Mr. Geragos, because I don't know whether the sun will rise in the east and set in the west tomorrow. I don't know whether you're not getting money from the government of Armenia. There are levels of certainty that are required in answering a question like that because there's nothing that's absolutely 100 percent certain.

MR. GERAGOS: That would be objection that's not responsive.

Q. I'm not asking you for your level of certainty. I'm not asking you to speculate. Your lawyer has already objected if there's speculation. So I'm not asking about any various degrees of levels of certainty. Do you know whether the Turkish Coalition of American gets any funding from the government of Turkey?

A. You are asking more a level of speculation? Because as I explained to you, I don't know whether the sun will rise in the east and set in the west tomorrow for absolutely certainty.

Q. I didn't --

A. I will repeat that. To my knowledge --

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

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 Joan 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?

A. My understanding is Jean Schmidt did or Barry Bennett did.
Q. And who told you that?
A. I think Barry did.
Q. And did you talk first with -- who was the first person you met, Barry Bennett or Jean Schmidt?
A. I think I may have met both of them.
Q. At the same time?
A. Yeah.
Q. And when you met both of them at the same time, did you tell them that you wanted to draft a complaint or file a complaint in Ohio?
A. That's privileged material.
Q. Barry Bennett's your client?
A. He is -- represents the Jean Schmidt campaign committee, so we're representing Jean individually on the campaign committee.
Q. And the campaign committee is being represented by the Turkish American Legal Defense Fund?
A. Yes.
Q. And the Turkish American Legal Defense Fund, have they charged the campaign committee any

money for their representation?
MR. BREY: I would object. I think that's privileged.
A. Well, and it was ruled irrelevant. The answer is no. We stated that we would do this and we would not charge them legal fees.
Q. Okay. How many hours would you say that the Turkish American Legal Defense Fund has spent in prosecuting this claim against Mr. Krikorian?
MR. BREY: Objection, privileged.
A. Privileged.
Q. Privileged what?
A. Privileged information.
Q. The amount of time you've spent is privileged?
A. Yes.
Q. So you're not going to answer that?
A. I'm not answering.
MR. BREY: It's also irrelevant.
Q. Did you travel here to Ohio today?
MR. BREY: Objection. Irrelevant.
A. Do you see me across the table, sir?
Q. I do. To a moral certainty I see you

across the table, so --

A. Right.

Q. So how many hours would you say you've expended in the prosecution of this complaint?

MR. BREY: Objection. Privileged and irrelevant.

A. Yes. Privileged, irrelevant. That's information that's to be gleaned in my capacity as representing --

Q. Right. Did you --

A. -- the complainant.

Q. Are you aware of obligations for disclosing in-kind contributions to federal elected officials?

A. That's the reason why we put in to the House Ethics Committee to disclose exactly what was going on here. And I assume the House Ethics Committee would know their rules better than I would because they do it all the time.

Q. I'm not asking about the House Ethics Committee. I'm asking you if you are familiar with the Federal Election Commission?

MR. BREY: Objection. Irrelevant.

A. I am not an expert with the Federal

Election Commission rules on how to report in-kind contributions and even whether or not these would be viewed as an in-kind contribution. These happen not in the context of an election campaign. TALDF services are not for the purposes of promoting Jean's election or defeat or anything else. They're legal service, period.

Q. Okay. These legal services were to draw a complaint in this case. Do you know who adjudicates this complaint?

A. It's before the Ohio Elections Commission.

Q. Okay. So you're providing legal services before the Ohio Elections Commission and you feel that you don't have to disclose whether that's an in-kind contribution?

MR. BREY: Objection.

A. An in-kind contribution to a campaign? My understanding is that's not -- has nothing to do with any campaign whatsoever. But I'm not an expert in election law.

Q. Okay. Is it a fair statement that you've made no disclosure?

MR. BREY: Objection. I -- that's

totally irrelevant to any issue in this case.

Q. And is that a -- is that a yes or a no? You've made a disclosure or you haven't?

A. I've not -- other than the disclosure to the House Ethics Committee in conjunction with reviewing this arrangement, I have not filed any document with the Ohio Elections Commission other than what my name is on the complaint.

Q. Well, now you say that in connection with the House Ethics Committee.

A. Uh-huh.

Q. You didn't draft anything in terms of the House Ethics Committee, did you?

A. No. This was done -- I don't think I have authority to ask for an opinion. I think only a member of Congress does.

Q. Okay. Have you ever seen an opinion?

A. No.

Q. Okay. Did you submit any testimony?

A. No.

Q. Did you submit a declaration?

A. No.

MR. BREY: Objection. Irrelevant.

Q. Did you submit anything --

MR. BREY: Let me object before you answer.

THE WITNESS: Sorry. Sorry.

Q. Did you submit anything in connection with that, talk to an investigator, declaration, testimony, anything at all in connection with what you perceived to be an inquiry by the House Ethics?

MR. BREY: Objection. Irrelevant. Unless you can tell me why that has some specific bearing on the allegations, I'm going to instruct the witness not to answer anything further to this line.

Q. Who was the person who submitted the inquiry to the House Ethics as far as you know?

MR. BREY: Objection. Same grounds, same instruction.

Q. Does that mean you're not going to answer, Mr. Fein?

MR. BREY: I'm instructing the witness not to answer unless you can show me some reason why this is remotely relevant to the allegations in the complaint.

MR. GERAGOS: I'm asking Mr. Fein.

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Q. Are you not going to answer?

MR. BREY: I've so instructed you.

A. I'm following the advice of counsel.

Q. Okay. And specifically -- now, did you -- has the Turkish American Legal Defense Fund paid for any out-of-pocket expenses in connection with prosecuting this claim?

MR. BREY: Objection. Same grounds. Instruct the witness not to answer unless you can show me --

MR. GERAGOS: Well, I'll reiterate what we said during the hearing that the -- them paying her expenses and other things now, illegally I would -- I would assert, is circumstantial evidence that they were doing the same before, which is the precise allegation that you've raised that Mr. Krikorian stated was false. And I made this same argument to Mr. Richter in the previous hearing in which he ordered that Mr. Fein be here.

MR. BREY: I don't think that was his ruling. But if I'm mistaken, I'm certainly willing to talk to Phil Richter and have him clarify.

Q. Now, are you going to answer whether --

well, let me ask you, do you know who Demir Karsan is?

A. Yes.

Q. And I think it's D-M-I-R, last name K-A-R S-A-N. Who is Demir Karsan?

MR. BREY: I think it's D-E-M-I-R.

A. He is president of Turkish American Heritage PAC.

Q. Okay. Where are they headquartered out of?

A. I believe at present in Houston, Texas.

Q. Okay. And is that -- was there a deposition that you attended of his?

A. Yes. I think it was on Saturday, August 22nd.

Q. Okay. And did the Turkish American Legal Defense Fund pay for his out-of-pocket expenses like his airfare?

MR. BREY: Objection. I instruct the witness not to answer. Same grounds.

MR. GERAGOS: And, Mr. Brey, so that we understand, are you representing Mr. Fein today?

MR. BREY: I'm here as counsel to -- I suppose I am. I'm his counsel in terms of the

case. We're co-counsel.

MR. GERAGOS: I understand that. You represent Congresswoman Schmidt.

MR. BREY: I represent Congresswoman Schmidt and I represent --

MR. GERAGOS: Do you represent Mr. Fein? Is that also that you're representing Mr. Fein here today?

MR. BREY: I'm here on his behalf in connection with his representation of Jean Schmidt and her campaign committee.

MR. GERAGOS: Okay. Are you his lawyer today? Because when he says on advice of counsel, is there an attorney/client relationship?

MR. BREY: Well, there's a certainly a privileged relationship when we're co-counsel for the same client.

MR. GERAGOS: I understand that. But are you today representing him as his lawyer?

MR. BREY: Sure.

MR. GERAGOS: Okay.

Q. Mr. Fein; is that correct?

A. Yes.

Q. Is Mr. Brey your lawyer?

A. Yes.

Q. Okay. Does the Turkish American Legal Defense Fund pay for Demir Karsan's expenses?

MR. BREY: Objection. I instruct the witness not to answer.

MR. GERAGOS: Then I think maybe we should get you -- do you want to get Mr. Richter on the phone?

MR. BREY: Okay. I think that will work.

THE REPORTER: Do you want to stay on the record?

MR. BREY: It's up to you. Might as well.

(A short recess is taken.)

MR. RICHTER: Ohio Elections Commission, Phil Richter.

MR. BREY: Hi, Phil, this is Don Brey and same cast of characters are here.

MR. RICHTER: Understood.

MR. BREY: We are calling you for a clarification about a ruling about what is or is not admissible. There are several questions that I think --

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MR. GERAGOS: The questions that they're refusing to answer are specifically, Mr. Richter, whether or not they've paid expenses in connection with the prosecution of this claim. I think I had argued to you when we were on the phone -- I guess that was on either Thursday or Friday that that -- it's our position that is circumstantial evidence that would show that there's money being given to her or in-kind contributions that are being given to her which accord with the -- the statement or the truth or falsity of the statement that she has taken the money -- blood money to deny the genocide. And they're refusing to answer whether -- I think the specific question that I asked was whether they paid the travel expenses for one particular witness and whether they had paid other expenses for other witnesses.

MR. BREY: That's correct. When he speaks of "they," he's talking about the Turkish American Legal Defense Fund. And the other testimony has been that the Turkish American Legal Defense Fund does not take money from the Turkish government -- it receives funds from the Turkish

council --

MR. GERAGOS: Coalition of American.

MR. BREY: -- Turkish Coalition of American. And when asked whether the Turkish Coalition of American receives from the Turkish government, the testimony was that most of its money is from the founder and that to a moral certainty he testified they received no money from the Turkish government.

MR. GERAGOS: Which was not based on anything other than he hasn't done any investigation on that whatsoever.

MR. RICHTER: "He," meaning who?

MR. GERAGOS: "He," meaning Mr. Fein.

MR. BREY: Mr. Fein. Now, having said that, I may or may not have misunderstood what the scope of things was. You know I -- Phil, I know that we've talked before about the standard of how these would be conducted based upon Chris Finney and my agreement at the Dave Krikorian deposition that we're going to limit this to the issues at hand and that there's got to be something that's relevant to the allegations of the complaint.

I believe that Mr. Geragos has

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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 McCardy, 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 Hittite 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 goings 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.

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MR. BREY: I did not interrupt you; please do not interrupt me.

MR. GERAGOS: I understand --

MR. BREY: I did not interrupt you; please don't interrupt me.

MR. GERAGOS: I do object. The House Ethics -- there is no evidence of that.

MR. BREY: I did not interrupt you; please do not interrupt me.

MR. GERAGOS: I'm objecting to that.

MR. BREY: Well, I had an objection, but I waited until you finished. And I am stating it now, if I may.

I'm sorry. Where was I? He effectively through me off, which is I think one of the purposes of this unfair tactic of interruption.

He's asking to present evidence of an FEC violation in front of the Ohio Elections Commission. The FEC, they have their own rules and regulations. If there's any basis for anything to be presented to FEC, there's a place to present that. That's not this case. And I think that that example shows the irrelevancy of

trying to put the lawyers on trial by saying, you know, where did you get the money, you know, how much are you paying her, how many hours have you spent on this, who -- who reimbursed this witness for his flight time. None of those are proper; none of those are relevant.

Please state your objection.

MR. GERAGOS: Mr. Richter, I don't understand -- I mean, I'm a little confused as to why we've run far afield. I've asked a very simple question. The simple question is: Have you paid expenses in connection with this? I think I argued at length the other day that that is circumstantial evidence that she would take contributions or she would take expenses in trade for her position which is what they're accusing Mr. Krikorian of both saying and what they're saying is false. And the standard is is will the evidence lead to relevant or admissible evidence. That's what the standard is. This clearly is relevant, and the Commission would determine at a hearing whether it's admissible. But the question is a very simple one: Have you paid expenses in connection with flying witnesses in this

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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

they've instructed him not to answer is: Did the Turkish American Legal Defense Fund pay for a witness who traveled to his deposition. This is the same witness who already testified that his declaration and his affidavit were prepared by the Turkish American Legal Defense Fund and that they were drafted by the Turkish American Legal Defense Fund, precisely goes to the core of the issue, the -- which is the defense of Mr. Krikorian. Once again, if counsel wants to just keep saying that it's attorney/client privilege, I understand that that is what, you know, his assertion is. But there is nothing privileged about whether somebody is paying expenses. The Turkish American Legal Defense Fund's payment of expenses for fact witnesses in a proceeding is precisely what Mr. Krikorian has argued and has stated publically is going on here, that the Congresswoman is taking money, blood money, to deny the Genocide. And that's how we prove it. And once again, like I said, this would have been a two-minute or three-minute question and answer, and instead we've effectively spent 32 minutes on dealing with this.

MR. BREY: Well, it would also go more quickly if you withdrew the question, but obviously we have a disagreement about whether it's appropriate to do that.

You know, he's made a number of charges here, but one of the -- the issues I would talk about is there is privilege in respect to communication was clients. There is also a privilege in terms of how the lawyer does work on behalf of the clients. There is no privilege per se between Mr. Fein and communications -- attorney/client privilege, there's no attorney/client privilege per se between Bruce Fein and any communications he had with Karsan Demir and Mark. Having said that, Phil, consider what you're doing. You're allowing him to put one of the lawyers on the stand and ask him to testify about his work product, client preparation communications he had with a witness. And in unless that's relevant to the case and pretty directly relevant to the case, you are disregarding -- which is also a principle in Ohio -- the rights of lawyers and clients to 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. GEMAGOS: 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

may not be so. I understand that.

MR. BREY: Phil, the information is not a secret. We told them off the record I think Karsan Demir's that we were paying for it. I think it's utterly irrelevant to this case, and I don't want them then to get the camel's nose in the tent because I think that's a relative possibility here or a likelihood.

MR. GERAGOS: Mr. Richter --

MR. BREY: We're not going to waive the privilege, and if we answer those kinds of questions, then he can say, well, you answered that one, therefore you have to answer the others.

MR. GERAGOS: I guess the parade of horribles argument as raised with that, I'm asking the question, I will limit it to paying for the witness expenses, I'm not going to ask him what he discussed unless it deals with the denial of the Genocide and such matters, and I assume that Your Honor has ruled and we can proceed so we can get this done?

MR. BREY: Phil, just one more clarification. He also was asking how many hours we spent on the case with Jenn Schmidt. I assume

that's off base.

MR. RICHTER: I don't -- yeah, I mean with all due respect, I don't see that as being an issue. As to whether the question as to how much expenses -- or not how much, but whether expenses were paid or not can certainly lead -- or could relate to the question of, you know, where the money came from that was a part of Mr. Krikorian's statement.

MR. BREY: Okay.

MR. RICHTER: But how much time, et cetera, to me is irrelevant to what the Commission wants to find out about those statements.

MR. BREY: And Phil, that's fine. We can proceed there. But just for clarification, is part of your rationale based upon the -- the representation to you that there will be solid evidence that the Turkish Coalition of America is receiving money from the government of Turkey?

MR. GERAGOS: Could I --

MR. RICHTER: I think essentially the answer to that is yes because whatever is determined out of this -- as I see it, anything that is determined out of it here has to relate

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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. Sema 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.

You've got to let me answer.

THE WITNESS: I apologize. Sorry.

MR. BREY: To the extent you're talking about expenses incurred in connection with the representation of Jean Schmidt, I think that's off limits and we instruct him not to answer those.

MR. GERAGOS: Well, the -- the expenses for -- we just had a ruling that the expenses were not off limits. You're now saying that somehow in the 45 seconds since we hung up that that ruling somehow changed?

MR. BREY: We can call back. My understanding was he said --

MR. GERAGOS: We can call back -- he said expenses.

MR. BREY: He said --

MR. GERAGOS: I realize you want to obstruct this deposition. But we just had a discussion --

MR. BREY: I did not interrupt you; please do not interrupt me.

MR. GERAGOS: I'm not finished.

Q. You've said that you, Mr. Fein -- I'll rephrase it.

MR. BREY: No.

Q. That you've previously testified --

MR. BREY: No. No.

Q. -- that you paid for transcripts and depositions.

MR. BREY: Do not answer that. He asked me a question, and he interrupted me.

MR. GERAGOS: And I -- and I'm withdrawing any question that I asked before.

MR. BREY: Since you started something, don't answer anything until he stops on the record. Can I speak now?

Q. So what other expenses have you paid --

MR. BREY: Don't answer anything unless he stops interrupting me.

Q. The -- what other expense --

MR. BREY: Do not answer a question until he stops interrupting me.

Q. What other expenses have you --

MR. BREY: Do not answer any question unless he stops interrupting me.

We can do this all day.

MR. GERAGOS: You're right. We can.

Q. What other --

MR. BREY: Don't answer any question until he stops interrupting me.

MR. GERAGOS: You're interrupting me with this --

MR. BREY: I'm interrupting you --

MR. GERAGOS: -- juvenile behavior of yours.

MR. BREY: I'm interrupting --

MR. GERAGOS: Why don't you just try to calm down and try to act like a gentleman. I'll ask him questions. If you have an objection, you can object, okay. We don't need to just keep calling Mr. Richter. Let's just get through this, okay? I'm not trying to interrupt you.

MR. BREY: Actually, you are. You are trying to interrupt me. You do it on a regular basis. You cut me off --

MR. GERAGOS: Okay.

MR. BREY: -- on a regular basis.

MR. GERAGOS: I will make an effort --

MR. BREY: You just did it. You just did.

MR. GERAGOS: I don't want to spend a lot of time doing this.

MR. BREY: You just -- you just --

MR. GERAGOS: Let's question the witness.

MR. BREY: I want to make a response to your assertion that I was acting improperly.

MR. GERAGOS: You're not acting improperly, okay. If that helps you, you're acting wonderfully. You're a great advocate. I'm very impressed with your legal abilities. Can we move on so I can question the witness?

MR. BREY: Thank you for your sarcasm.

MR. GERAGOS: I'm not sarcastic at all. I'll nominate you for Super Lawyer. Can we please continue with the witness? I'll ask questions. If you've got an objection, that's fine.

MR. BREY: When you ask a question and make assertions about me and my conduct, and then say I can't respond to that --

MR. GERAGOS: I'm not --

MR. BREY: -- you're behaving improperly.

MR. GERAGOS: I'm not going to make any assertions about you.

MR. BREY: You interrupted me once a

again. I will show you the courtesy of letting you finish what you say, but I do expect the same courtesy. And you show a remarkable inability to do that. I mean, obviously you're very skilled with making ad hominem attacks upon me and others and falsely accusing me of whatever temperament flaws you believe I have. Well, that's fine, but you still have to let me respond. And the response I have is that my understanding of the statement he made is that you're allowed to ask whether or not the paid expenses of Demir Karsan, not that they paid other expenses for or on behalf of Jean Schmidt. And by the -- the deposition or whatever of Jean Schmidt would be an expense -- or of Demir Karsan would not be an expense that would be paid Demir Karsan. And if you think I'm wrong about an interpretation or misread read it, tell me and we can sort that out.

Q. Mr. Fein, have you paid any other expenses in connection with the prosecution of this claim?

MR. BREY: Objection. I instruct the witness not to answer to the extent that he's talking about expenses for Jean Schmidt. If you

are talking about expenses for other witnesses, you can answer the question.

Q. Mr. Fein, do you understand the question?

A. Yes, I understand the question.

Q. Can you answer it?

MR. BREY: I've instructed the witness not to answer it.

MR. GERAGOS: You just told him -- do you want me to have it read back? You just told him to answer if it was expenses in connection with the other witness.

MR. BREY: I'm sorry, I'm sorry.

MR. GERAGOS: Do you understand -- do you remember that?

A. With regard to?

Q. Have you paid for any other witness expenses?

A. No. No.

Q. Okay. And the expenses that you paid for -- for Mr. Karsan, where did that money come from?

The record should reflect you are now looking at your lawyer. Are you --

A. I'm waiting to see whether he's going to object.

Q. Well, he hasn't objected.

A. My understanding came from the Turkish Coalition of America.

Q. Okay. So the Turkish Coalition of America -- when you say your understanding, does the Turkish American Legal Defense Fund, do they have a budget of some kind or a -- a checking account?

A. No.

Q. Okay. So that's an organization that is an arm of the Turkish Coalition of America?

A. You might call it -- yeah, it works under the umbrella of TCA, yes, sir.

Q. Okay. So in actuality when I'm asking you who paid Demir Karsan's expenses for the travel, that would have been -- when I was referring to Turkish Coal -- or Turkish Legal Defense Fund, in actuality it's Turkish Coalition of American because they're the ones who are actually writing the check; is that correct?

A. Yes. Yes.

Q. Now, the Turkish Coalition of America

would have been writing the checks also for the transcripts and other things that you testified?

MR. BREY: Objection. I instruct the witness not to answer.

Q. Well, you did testify previously that you paid for the transcripts; is that correct?

MR. BREY: I don't recall whether he did or not. But I would object to that testimony in light our previous --

MR. GERAGOS: Right. He did -- he did testify that it was transcripts/depositions is what he said. Isn't that correct, Mr. Fein?

A. Yes.

Q. And was that also Turkish Coalition of America?

A. Yes.

Q. Now, Turkish Coalition of America gets its funding or -- by the way, I'm going to show you something that I'll mark as Defense B. I'll give a copy to counsel.

MR. BREY: Is this the first exhibit we've seen?

- - - - -

Thereupon, Defendant's Exhibit B is marked

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for purposes of identification.

- - - - -

Q. Do you recognize this, Mr. Fein?

A. I've seen this document at a previous deposition I believe.

Q. Okay. Do you know who wrote this?

A. My recollection is I may have written this first draft, and then oftentimes I circulate it and get comments back.

Q. Okay. Well, who would you have circulated it to?

A. Persons at TCA.

Q. Who are the persons at --

A. Would be --

Q. You said TCA?

A. Yeah, Turkish Coalition of America, that's what that abbreviation --

Q. And who would that be?

MR. BREY: Excuse me. Was he talking over the last part of his answer or not?

(The record is read as requested.)

A. David Saltzman, I typically would ask for his commentary, Lincoln McCurdy would get a copy of this, Guler Kokmar. I think those are the

ones that.

Q. Okay.

A. Occasionally, there's a --

Q. I'm sorry, what are --

A. I think those are the ones who --

Q. And -- but you wrote the -- you wrote this; isn't that correct?

A. I don't have -- I have a recollection that I wrote something like this. It wasn't in this format. Sometimes things get changed in wording when it's put in a more abbreviated form for a posting like this. I did not post this. I have nothing to do with things that go up on the website. So whether or not that's viewed as a collective authorship because others participated, especially in the length, I certainly was a participant if you want to call this my -- my best belief is that this would be a collective authorship and I was a participant in this. Maybe I wrote more substantially than others.

Q. Well, specifically, "Congresswoman Schmidt has on numerous occasions voiced her opposition to such resolution and maintains that the historical question is not appropriate for

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Congress to legislate." Did you write that sentence?

A. Well, I don't have specific recollection of using those words. I write millions of words probably annually, and the general idea there certainly is something that is consistent with my -- my understanding at the time.

Q. Okay.

A. So -- but with regard to do I specifically recollect I used those specific words and nobody else edited them, I couldn't say for certain.

Q. How about: "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, constitute genocide - an accusation that has never been proven in a court of law."

Those are your words, aren't they?

A. Whether they're my precise words, I don't -- I don't know for certain whether those are my exact words. With regard to my own understanding as a lawyer about whether or not

Sean Schmidt, sitting as a juror based upon the state of the record and the evidence, that she would find beyond a reasonable doubt that as established in the genocide convention of 1948 and the statutes proof beyond a reasonable doubt had demonstrated that crime, I think that's an accurate statement.

Q. Did you write it?

A. I don't recall whether I used those particular words or whether the general idea was there and other people suggested a different wording.

Q. Okay. How about: "Her conclusions accord with renowned Middle East scholar Bernard Lewis of Princeton University and other respected historians."

You wrote that sentence didn't you?

A. Whether -- again, Mr. Geragos, whether those are my precise words or whether they had been edited -- when you put things on websites, oftentimes wording gets changed for space purposes or otherwise. I don't know whether those are my exact words. I certainly believe, having read Bernard Lewis, that he disputes the

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characterization of the events of World War I as a genocide.

Q. You've written that in other publications; isn't that true?

A. I think the -- the gist of that assertion I have written independently expressing my own viewpoint.

Q. Right. And you've also -- the gist of "...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, constitute genocide...." You've written that in at least four other publications; isn't that correct?

A. That statement is an accurate expression of my published statements on numerous occasions, yes, sir.

Q. Okay. In fact, going down to the next paragraph, the term "verbal thuggery," you even used that term today, isn't that correct, in your sworn deposition?

A. That is correct.

Q. In fact, virtually every sentence in here that starts with -- in the last three

paragraphs, you've written in other areas or in other publications; isn't that correct?

A. I'm not certain that all those three paragraphs, the exact words. I think it's fair to say, and I will state for the record now, that the general ideas voiced in those last three paragraphs are my opinions, my conclusions, and I have articulated those both before, I believe, and after the 2007-'8 elections.

Q. Right. And you have used the term "emblematic of the religiously and ethnically bigoted campaign tactics that Armenian Americans regularly employ...." That's something you've written in other publications; isn't that correct?

A. Yes, sir, and I believe it.

Q. I understand that.

But doesn't this look to you to be something that in almost whole or all was written by you, all of this?

A. It depends upon how you decide whether editing makes you the sole author or not. As I say, oftentimes in putting together something that's posted on a website, there's a substantial contraction of the entire document and oftentimes

editing occurs.

Q. Right. I'm not asking you that.

A. So I'm not trying to quibble here. The general ideas I think were largely, if not exclusively, mine. The particular phraseology and the compactness sometimes changes in the editing process.

Q. Right. But in almost all or large part this is your work, is it not?

A. I think that's probably accurate.

Q. And is -- your memory is that you were the first drafter of this as well; isn't that correct?

A. Yes.

Q. Okay. And if there had been something that was inaccurate on here and it was showed to you, you would have objected to that; isn't that correct?

A. I'm not sure what --

Q. Well, you're called the resident scholar to one of these organizations.

A. I mean, if -- if something was here and I -- sometimes in the editing process, it would get posted and it's a summary of something that I

had started out with but it was longer, I wouldn't necessarily have looked at the final editing that changed words or sentence length. But at least at present when I look at this document, is there something that I think is wrong in the document, I don't -- at present look at the document and say, oh, this is an error.

Q. Okay. And specifically the statement that on -- "Congresswoman Schmidt on numerous occasions voiced her opposition to such resolutions...." What did you base that on?

A. Well, that wasn't on any independent talking to Jean Schmidt. This is the impression I got from speaking with Lincoln McCurdy at TCA. Prior to my representation of Jean Schmidt in this case, which was after November 2nd, I had no knowledge whatsoever -- individual knowledge of Jean Schmidt's position on any issue. In fact, I didn't know who Jean Schmidt was.

Q. Okay. When the -- and you say you don't know who she was until after November 2nd?

A. Yes.

Q. Okay. But when you talked to Lincoln McCurdy, did Lincoln McCurdy tell you he knew who

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Jean Schmidt was?
A. Yes.
Q. And prior to November?
A. No. I -- the Jean Schmidt name and Lincoln McCurdy I don't recall coming up until after November.
Q. You knew who Lincoln McCurdy was prior to November?
A. Correct.
Q. And did you ever discuss with Lincoln McCurdy whether he had -- knew of Jean Schmidt prior to November?
A. No.
Q. Did you ever discuss -- by the way, the Turkish Coalition of America, you said that its primarily funding comes from a businessman; is that right?
A. Well, I don't know where -- I don't know where the primary funding comes from, so --
Q. Okay. And the --
A. You need to talk to someone who knows about that. I've not actually made any inquiry.
Q. So you haven't -- as you sit here, you don't know where the funding comes from because

you've made no independent inquiry?
A. Correct.
Q. Okay. You did testify before that there was a wealthy businessman who founded it; is that correct?
A. Yes. And that's -- that is -- that's my understanding. But to suggest that I ran an actual investigation -- had a private investigator try to trace the funds would be incorrect. But that's my understanding.
Q. And that would be a gentleman who runs a Hittite Microwave?
A. I don't know whether that's the company name.
Q. Have you ever met his gentleman?
A. Yes, I have.
Q. And what's his name?
A. I think it's Yalcin Ayasli.
Q. Okay. How many occasions have you met him?
A. Half a dozen to a dozen.
Q. Prior to November of 2008?
A. Yes.
Q. Okay. And you aware where he does

business or with who he does business?
A. No.
Q. Did you ever make any inquiries as to that?
A. None whatsoever.
Q. Okay. And as you sit here, do you know if any of the PAC -- if any PAC money -- do you know what PAC money is?
A. Yes, I do.
Q. Do you know if any PAC money has made its way into the Turkish Coalition of America?
A. I've not investigated any of the finances, so I'm tabula rasa, sir.
Q. Okay. And do you know of any Turkish American PACs that operate out of that same address as the Turkish Coalition of America?
A. I have an understanding that the Turkish Coalition of America USA PAC has that address.
Q. Okay. And is that a political action committee?
A. Yes, it is.
Q. At the same address?
A. Yes, it is.

Q. Okay. And do you know whether any of the money from the -- from that PAC, Turkish Coalition of America PAC, was used to pay expenses in this case?
A. I --
MR. BREY: Objection, unless you're talking about expenses of -- of witnesses.
Q. Do you know -- do you know if the PAC paid the expenses in this case for the witnesses or depositions or anything that you've testified to?
MR. BREY: I'm going --
A. Whether the PAC -- no, the TCA paid the expenses of the witnesses that I've identified.
Q. But you don't know -- and when you say the PAC, no, how do you know that?
A. This, again, goes back to Mr. Krikorian [sic] at levels of certainty. I don't know that the Armenian government isn't paying you to be here, sir. I've not run an investigation. It may well be they've paid you $5 million to come here and browbeat me, but I don't know that for certain. And that's why when you make these questions without having levels of certainty, it

leads you that you can't say anything as absolute certainty. And so if the answer is I have the same level of certainty that you have that you're not getting paid by the government of Armenia to be here, that's my answer. Now -- so whatever that level is I've got.

MR. GERAGOS: That would be a motion to strike as nonresponsive.

Q. Do you -- did you see a check that was written to a witness or to a carrier or to a -- for any expense? Did you actually see an expense check?

A. No. And on that score, if that's the level, I can't say that we in fact paid the expenses of Mr. Karsan because I didn't actually see the check written.

Q. Okay. Did you authorize it? You -- didn't you testify you authorized the check?

A. For TCA to pay the check, but I don't know whether it was actually written by TCA or whether it was paid at all.

Q. Okay. Do you know if it was written by TCA or by the PAC as you sit here?

A. I don't know whether a check was

written at all, sir.

Q. Okay. But you authorized it?

A. But I don't know whether a check was written at all, sir.

Q. I didn't ask that. I asked if you authorized it.

A. Yes.

MR. BREY: Asked and answered.

A. Yes, authorized by TCA.

Q. Okay. Who else can authorize expenses at TCA?

A. The only other person at TCA is David Saltzman.

Q. Okay. So it's either you --

A. Excuse me, excuse me. I -- I apologize. I misheard the question. I thought you said TALDF. I don't know. I was making the authorizations by the Turkish American Legal Defense Fund. I don't know the persons acting in a different capacity who can authorize TCA to pay money.

Q. And the Turkish American Legal Defense Fund as you said has no operating account?

A. Correct.

Q. Okay. And it's only you and Mr. Saltzman, correct?
A. Yes.
Q. And you then also are a member who can authorize expenses at TCA, correct?
A. I can authorize as TALDF-related expenses. That's my testimony.
Q. Okay. And when was TALDF formed?
A. My recollection is maybe the summer -- spring/summer of 2008.
Q. Of 2008?
A. Yeah, that's what I --
Q. And is this the only matter that you are actively litigating?
A. No.
Q. You're actively litigating also one other matter that deals with the Armenian Genocide?
A. It deals with defamation, sir.
Q. Well, is that in regards to the Armenian Genocide?
MR. BREY: Objection.
A. It's --
MR. BREY: Relevance.

A. It's in regards to allegations that the Turkish government is paying money for nefarious purposes.
Q. Okay. Well, the -- you've now heard the testimony of Sible Edmonds, correct?
A. I sat through that testimony, yes, sir.
Q. Okay. And the defamation case that you are talking about is against the Southern Poverty Law Center, correct?
A. And David Holthouse I believe are the defendants.
Q. Okay. And that's the -- you filed a defamation lawsuit specifically because the -- you tell me, what is the defamation there?
A. If you would like, afterwards I can send you a copy of the complaint. But if you want to accept my summary, the gist, sir, of the complaint is that Mr. Holthouse, through this publication Intelligence Review, knowingly, intentionally, and falsely accused Guenter Lewy, the author of a book that addresses this issue and I believes makes a conclusion that the evidence is inconclusive, had his scholarship compromised by being on the payroll of the government of Turkey.

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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

independent -- and let me see if I have it correct. You've done no independent research to see where the funding for the Turkish Coalition of America comes from; is that correct?

A. That is correct.

Q. And the Turkish Coalition of America -- although you are authorized to expend moneys on behalf of the Turkish Coalition of America; is that correct?

A. That is right.

Q. And specifically you have done research in other cases regarding whether the government of Turkey has compromised or used their moneys to compromise scholarship; is that correct?

A. In the issue of Guenter Lewy where the allegation, as you can see I believe just by reading that document ahead of you, Mr. Geragos, was that the plaintiff in the case who we represent received money from the government of Turkey in order to compromise his view of the events of 1915 in writing the book that's cited there. In preparing for that defamation and that complaint, there was inquiry made into the truthfulness of that allegation.

Q. Okay. But you did not do that in this case?

A. There is -- I in this case did not -- well, maybe -- the answer is no.

Q. Okay.

A. If we accept asking witnesses --

MR. GERAGOS: Note an objection, it's nonresponsive.

A. I'll just answer the question.

Q. Right. Just answer the question.

A. The answer is --

MR. BREY: I'll object to the question on the grounds that it's not relevant to this case. And also to the extent that you are talking about preparation you did as counsel for the current clients is privileged.

Q. Okay.

A. And the answer is that investigation was done in conjunction with being the attorney for the complainant in this case.

Q. Okay. You did answer no before your counsel objected, correct?

MR. BREY: Then I'll move to strike.

A. No. I answered in conjunction with

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this case and the attorney/client capacity the answer is yes.

Q. The specifics of who gave money to Jean Schmidt, the -- are you aware that the Turkish council -- or the Turkish Coalition contributed $7,000 to Jean Schmidt in the 2008 cycle?

MR. BREY: Objection. You're misrepresenting the record.

A. The record says nothing about that. A PAC gave money, but that's not the Turkish Coalition.

Q. Does the Turkish Coalition of America have a PAC?

A. The PAC speaks for itself, sir.

Q. I'm asking you. Are you familiar with it having a PAC?

A. There is a TCA USA PAC, but the way in which the law operates, they are quite independent of one another.

Q. Do you have a connection to the PAC?

A. No.

Q. Have you made any contributions to the PAC?

A. None.

Q. Have you had any input into who the PAC contributes to?

A. None.

Q. And did you know that the PAC contributed $7,000 to Schmidt in the 2008 cycle?

A. Only after -- the only way I came upon that, Mr. Geragos, was in conjunction with preparing the complaint as attorney for TALDF.

Q. Okay. Well, you're -- Mr. Saltzman who works with you has a partner whose name is Gunay Ovunc, O-V-U-N-C; is that correct?

A. That's a mispronunciation. I think it's Gunay Evinch, but --

Q. Is -- is that his partner?

A. That's my understanding, sir.

Q. Okay. And is -- does his partner happen to be president of the Assembly of Turkish American Associations?

A. My understanding is that there is an enormous dispute about the last election there. It's been in litigation for a long time. I think he is now, but that still may be in litigation, sir. It would not be on personal knowledge.

Q. Well, do you know him to have been

president at any point?

A. Well, I say I think that he may be now. I know that the issue -- the election of the president was hotly disputed and it was in court for many years. I don't know what -- it still could be in court at present.

Q. Now, the ATAA, you represented at least in 2000. How -- when was the last time you represented ATAA?

A. Oh, years ago. I think I left -- ATAA had an internecine problems that caused it to become de facto inactive I think in early 2000s, and I haven't had any -- any dealings with ATAA -- I left any connection with them probably five, six, seven years ago.

Q. And specifically the ATAA, which you represented in the year 2000, correct?

A. I think the same -- is that the -- that's the Topalian matter. I think that's right, sir.

Q. Right. Now, wasn't that when Ms. Edmonds singled out the ATAA as an organization that was aligned with the Turkish government and was involved in covert and overt

activities on behalf of the government of Turkey?

A. That's not my recollection of her testimony. I do not believe that she identified and said ATAA was a conduit of the government of Turkey, but the deposition will speak for itself, sir.

Q. Okay. Have you filed a defamation suit on behalf of either ATAA or any other organization against Ms. Edmonds?

A. Not yet.

Q. Okay. And when you say "not yet," is that -- you're familiar with Ms. Edmonds since when?

A. The only time I have ever met Ms. Edmonds was at her deposition, and that -- I haven't seen her subsequent to that time.

Q. Okay.

A. So --

Q. Were you familiar with her and what she was saying prior to the deposition?

A. The context in which I knew of Ms. Edmonds prior to the deposition was in conjunction with testimony I provided to the House Judiciary Committee on state secrets privilege and

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whether Congress had a legislative role in amending the state secrets privilege so it wouldn't be so deferential to executive claims. And it was in that context in which her name had become known to me.

Q. Okay. And at no -- and were you aware of what she was saying about the Turkish government prior to the deposition?

A. Other than fleeting remembrances in newspaper articles, no.

Q. And did you -- and since her deposition, have you taken any steps to file a defamation action?

MR. BREY: Objection. That's irrelevant to any issue in this case. And it's contrary to -- unless you can show some grounds to link it up, I'll instruct the witness not to answer pursuant to the ground rules.

Q. Have you done anything to -- to follow up with a defamation lawsuit?

MR. BREY: I object. I instruct the witness not to answer unless you can show some remote relevance of that to the case.

Q. Mr. Fein, the -- you specifically I

believe said that the Turkish -- or that you are unaware of the funding for TCA; is that correct?

A. Yes.

Q. Are you aware that one funding source was this gentleman who is the -- is it Yalcin Ayusli?

A. Ayasli.

Q. Ayasli?

A. This was -- testimony I believe of this sort was at issue in the deposition of Lincoln McCurdy. I think you're asking whether I had done any independent investigation, and the answer was no.

Q. And are you aware that there's been at least 30 million contributed by this gentleman to TCA?

A. Do I know that number? No, I was not aware of that.

Q. Okay. And specifically, the -- do you know where any of the other funding came from for TCA?

A. Nope.

Q. Okay. And are you listed in any bank documents for TCA?

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A. No.
Q. Signature cards?
A. No.
Q. And you have no authority to sign checks?
A. Nope.
Q. Okay. And do you know -- have you ever spoken to the Ayasli family about their political contributions?
A. Spoken to them face-to-face or over the phone, no.
Q. Well, any other way?
A. No. The only -- there have been in this proceeding, sir, FEC documents that indicate contributions, that's the only information I have, and I have never raised or had any discussion ever with them about any of their political contributions.
Q. And have you talked to anyone about making contributions to certain candidates?
A. No.
Q. Well, you have written repeatedly about the verbal thuggery; isn't that correct?
A. Correct.

Q. And you've talked about and written that there should be some campaign by Turkish Americans or Turks to support those who oppose the Genocide Resolution; isn't that correct?
A. I don't believe I've ever written and suggested anybody should make a campaign contribution of any sort to anybody, sir.
Q. You've never written anything of that nature?
A. Not to my recollection, no, sir.
Q. Okay. And you write extensively on the subject of the Genocide Resolution; isn't that correct?
A. I write a lot about a lot of things, sir.
Q. Well, I'm not asking you about a lot about a lot of things. I'm asking you about the Genocide Resolution?
A. I'm not sure what you mean by a lot. Do I write about it every week or every other week, no. Do I think I write more about it than anybody else, no. Have I written it about it periodically, yes.
Q. Yeah, well, how many times -- or how

many occasions would you say you've written about it?

A. I'd say half a dozen to ten occasions over several years.

Q. Okay. Did you ever write about it before you were hired by any of these Turkish organizations?

A. No, sir.

Q. Okay. And once you were hired and put on the payroll is when you first started writing about these -- the Genocide Resolution; isn't that correct?

A. If with regard to ATAA, which is the first organization, the only one that I worked with other than TCA and TALDF, that is the time when the first time I began writing and publishing about that issue.

Q. Okay.

A. Yes, sir.

Q. And that was also -- when about you become a resident scholar at one of these places?

A. I think it was around 1999 or 2000.

Q. And when you became the resident scholar is when you started writing about it,

correct?

A. Yeah, I had read earlier about it. The fact is I had no previous -- I spent probably 20 years doing nothing but reading and writing with as -- someone who had been divorced and didn't spend -- really had very little exterior and professional projection, just because of intellectual interest on a whole host of things, and that was the large majority of research done then. I had written numerous hundreds of thousands of words, didn't get paid by anybody, Mr. Geragos.

Q. Right. Well --

A. I just wrote them -- I just wrote them and I had things published, and no one paid me a penny. For instance, I've written probably more about the Clinton impeachment and the Bush/Cheney violations than anyone in the United States and have not received a penny for them. No one was paying me for my viewpoint. And the same thing happened the way in which I came -- I've been looked and examined issues not just 1915, issues in Kashmir, issues in Cyprus, issues Sri Lanka and have written about that. If you are trying to

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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,

Mr. Fein.

A. And I have nothing but the most flowery effusive ideas about you, sir.

Q. So I'm asking you: Until they became your paymaster or somebody who paid you or employed you, you'd never written a single word about the Armenian Genocide; isn't that correct?

MR. BREY: I would object again. You can't use the word "paymaster." He's already rejected that word.

MR. GERAGOS: I gave him an alternative.

MR. BREY: Unless you --

MR. GERAGOS: I gave him an alternative. If you would listen to the question --

MR. BREY: Well, then you've asked a compound question, and I object to it because it's a compound question.

MR. GERAGOS: It's not a compound question when I give a multiple definitio. I think Mr. Fein's thousands of words --

A. I understand, sir. Let's move on with the deposition.

Q. Right.

A. I may have written about it insofar as I would just write things. Oftentimes you write things and they don't get published. But in terms of published statements, correct.

Q. Okay. And the first published statement that you wrote, would that have been the document that we previously marked as Exhibit A?

A. No. I think that --

MR. BREY: Do you have a copy of Exhibit A for me? I don't think I got one.

MR. GERAGOS: I don't know if I've got a copy, but feel free to peruse it.

A. I think that there had been other publications that had been published by ATAA where I had addressed this issue. And I believe -- and I apologize, I think I forgot your question. My recollection is the only time I acted as an attorney was the sentencing of your client, Mourad Topalian, out of the Northern District of Ohio.

Q. And the ATAA you had a -- has both a website and also publishes and distributes publications, correct?

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

foremost or only organization of its kind; isn't that correct?

A. I don't know how they promoted themselves.

Q. Well, do you recall seeing promotional material?

A. No.

Q. All right. Do you remember saying or writing yourself -- I'm sorry, do you have Exhibit A?

MR. BREY: Oh, I do. I'm sorry.

MR. GERAGOS: Thank you.

Q. Do you remember writing that the ATAA, located at 1526 18th Street Northwest, Washington, D.C., is a District of Columbia nonprofit organization which serves as an umbrella organization to over 50 local Turkish-American organizations representing 200,000 individuals?

A. Yes, I -- I remember -- I remember that.

Q. You wrote that, correct?

A. Yes.

Q. Okay. Was that true, a true statement at the time?

A. As far as I know. I didn't do any independent research. I wasn't the one who was -- I would have asked someone at ATAA to provide those numbers.

Q. And specifically, the -- at the time you believed ATAA, and this would have been in October of 2000, to have been the -- the only organization that was acting as its -- as that kind in America on behalf of Turkish-American groups?

A. Well, I'm not sure -- I can't answer that question as you phrased it, Mr. Geragos. I think the statement says it was the -- the -- it represented the 50 or so local Turkish-American associations. Whether or not there are other organizations out there doing something similar and having different agendas, I don't know one way or the other.

Q. Okay. And the -- did you do anything after Sibel Edmonds' deposition when she talked about these groups infiltrating or the Turkish government infiltrating these type of organizations? Did you do anything to find out if in fact that had happened during the year 1991 to

the year 2001?

MR. BREY: I object --

A. Do --

MR. BREY: -- and instruct the witness not to answer. That's clearly privileged.

Q. I'm not asking you in your capacity as a lawyer, but as a resident scholar who's greatly worried about his reputation. Weren't you worried that you might have been compromised by the Turkish government?

MR. BREY: Again, I'll --

A. Let me --

MR. BREY: -- object on the grounds of relevancy and it goes far beyond the grounds unless you can show me some basis upon which the answer to that question is remotely relevant to the issues in this case.

A. I'll go ahead and answer. I viewed Sible Edmonds' testimony as delusional. Many of the things that she was saying about people that I knew seemed like accusing Jesus Christ of having committed fornication from his beginning. And it wouldn't even have occurred to me to give any credence to a person who I thought was

semi-crazed.

Q. Okay. Now, you say delusional. Meaning that you thought that she was unhinged and that she had no connection to reality?

A. The statements that these members of Congress knew -- Tom Lantos, who I had known for a long time and his wife, taking bribes from the Turkish government is just one example of the preposterousness; how she would know that Denny Hastert having a -- basically a brothel operating out of his house, those are the kinds of things that would -- led me to -- if you are asking my opinion sitting there, and that's what you're asking for, made me think she was delusional.

Q. Okay. And have you done anything to determine whether or not the Turkish government, in fact, has supplied money to TCA or ATAA?

A. I have not made an independent investigation by hiring others. I certainly ask others who would be in a position to know, and all of them have denied it and said similar things: Sible Edmonds is delusional.

Q. Okay. And that would be who?

A. The persons that are associated with

TCA, I think.

Q. David Saltzman?

A. David Saltzman I think would share that view. I think Lincoln McCurdy would. I think everybody involved in TCA thinks that Sible Edmonds is unhinged as you put it.

Q. Okay. And the TCA is comprised of McCurdy, Saltzman, yourself, and is there anybody else?

A. I'm not sure I know everybody who is on the staff. I knew we have some interns that were recently hired. But I wouldn't be able to say with certainty I know everybody who's on the staff.

Q. Okay. And this is the same -- operates out of the same office that the PAC is at, is that correct, same address?

A. They may use the same address. There are more than one offices in that building.

Q. Okay. When you say more than one office, do you share the same front door?

A. Everyone who has an office in 1025 shares the same front door. You go in 1025, there's probably hundreds of organizations.

Q. Okay. And is there a door that enters your particular office area?

A. No. There is -- I don't know whether Mr. Krikorian was there in attending the deposition. I think he may have been on one occasion, maybe Mr. Marino was the only one. There is a door that enters into Suite 1000, that's the 10th floor, and there are many different groups that all operate in that suite of offices. But there's no particular entrance door for TCA, TALDF. The suites -- I'm sure you're familiar with those, Mr. Geragos, your same offices maybe similar -- also house other organizations that have nothing to do with TCA.

Q. And the specifics of the Turkish government infiltrating these cultural -- so-called cultural organizations, have you met with any Turkish government officials?

A. In my entire life?

Q. Yeah.

A. Occasionally on meetings with -- I mean, there have been occasions when they celebrate the birthday of --

Q. And who have you met with?

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A. I've met very briefly with the ambassador and --

Q. Which ambassador?

A. Nabi Sensoy for a few moments, and I don't know how to pronounce the name, Farak Loucglu of -- he -- I believe he was the predecessor who similarly would invite those who are involved in Turkish issues over to the embassy for various events.

Q. And how many times have you been to the embassy?

A. Over what period of time?

Q. Ever.

A. In my entire life?

Q. Well, wait. I would assume you never --

A. Maybe maybe a half a dozen to a dozen times.

Q. The -- was that the embassy that was once located on Massachusetts Avenue? Did you ever go to that one?

A. I think I went once or twice there.

Q. Okay. And what other Turkish officials have you met?

A. Namik Tan was someone I had met at the -- at the old Massachusetts Avenue --

Q. Okay.

A. And he was somebody in the -- I don't know whether he was in communications.

Q. Okay. And had you ever met with any Turkish official before I became employed by the ATAA?

A. Yes.

Q. You had?

A. Uh-huh.

Q. Who did you meet with?

A. Well, it was Namik.

Q. When?

A. Today, 1999, 1998, 1997, something like that.

Q. Well, so was he instrumental in getting you employed at ATAA?

A. What do you mean by "instrumental"?

Q. Was it a meeting of him what got you to be employed by ATAA?

A. I don't know whether you would say got me employed by the ATAA.

Q. Well, he's the one who recommended that

they hire you; isn't that correct?
A. I don't know whether he did.
Q. Didn't you talk to him about it?
A. No. I didn't talk to him about it. I talked to Guler Koknar is the one who made the decision.
Q. And what was Guler Koknar's position at that point?
A. Guler Koknar's position? She was executive director at ATAA.
Q. Well, how did you meet him?
A. I don't recall --
Q. You met him through --
A. No, I don't recall the circumstances.
Q. You met him after you talked with the ambassador; isn't that correct?
A. No.
Q. You just testified that you met the ambassador either in '97 or '98; is that right?
A. No, I didn't testify to that. Namik was -- Namik I met before I ever spoke to any ambassador.
Q. Well, didn't you just testify that you met the ambassador in '97 or '98?

A. No.
Q. No?
A. No.
Q. Okay. Do you want me to read back that testimony?
MR. DREY: Why don't you, because I didn't recall it either.
Q. And when -- when did you meet the ambassador?
A. Well, there were several. I don't think the ambassador who was there at the time that Namik -- had first met Namik, I don't think I ever met that ambassador. The other ones were maybe 2003, 2005.
Q. Who was the first Turkish government official that you met?
A. Namik Tan.
Q. What year?
A. I said I think it was about 1999.
Q. About 1999?
A. Yeah, could it could have been 1998.
Q. And then you became hired by ATAA shortly after that, correct?
A. I don't know how shortly after that.

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It may have been months or six months or whatever.
Q. Well, you met with him, and did you discuss the fact that you wanted to be employed?
A. No.
Q. Did you discuss the fact that you were looking for a position?
A. No.
Q. And did he mention -- did you discuss ATAA with him?
A. I think he may have brought up that A -- I didn't even know ATAA existed at that time.
Q. Okay. And what did he bring it up, what did he say?
A. Well, I don't recall.
Q. You don't recall what the Turkish ambassador told you about ATAA right before you got hired by ATAA?
A. I didn't speak to the Turkish ambassador before I took to ATAA.
Q. Who did you speak to?
A. Namik Tan.
Q. And who was Namik?
A. I told you Namik Tam was head of some aspect of communications.

Q. For?
A. The Embassy of Turkey.
Q. And when you spoke to this person who was the -- was he working out of the embassy?
A. Yes.
Q. Namik Tam?
A. Uh-huh.
Q. And was this a person that you knew to be an agent of the Turkish government?
A. I assumed he worked there, but I actually didn't do any independent research to corroborate that. He could have been an Armenian plant.
Q. Okay. Well, did he --
A. In fact, I'm -- that may well be the case since didn't I didn't do an investigation to trace back what he might have been retained by.
Q. Is it your belief that Namik Tan is an plant of the Armenians?
A. Of course not.
Q. Well, then --
A. Is it yours?
Q. -- why did you suggest it?
A. Sorry. What?

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Q. Was that your attempt at humor?
A. It's an attempt to show that your insinuation that unless you investigate and prove the negative of everything in the world it's reasonable to believe the negative. That what it was an attempt to show.
Q. I don't know where that comes from.
A. From your question, sir.
Q. Well, the question I have is, you met this person who was working in the embassy, correct?
A. Yes, sir.
Q. And as far as you know, was a director of communications; is that correct?
A. He dealt with the public relations arm. I'm not sure what his title was.
Q. Right. And then he's the one who first mentioned ATAA to you, correct?
A. I think that's right.
Q. And then shortly thereafter you go to work for ATAA?
A. May have been within six months.
Q. Okay. And didn't you ask him for help getting a job at ATAA?

A. No.
Q. Didn't he contact ATAA on your behalf?
A. He may have. I don't know.
Q. Did you ask him to do that?
A. No.
Q. And did you refer to him when you talked to the people at ATAA? Did you use him as a reference?
A. I think they knew who Namik Tan was.
Q. Right.
A. And Guler Koknar.
Q. Did you use him as a reference?
A. I don't believe I used him as a reference.
Q. Was it your understanding that --
A. Did he --
Q. -- that he had recommended you for the job?
A. I do not know.
Q. Well, that wasn't your understanding at the time?
A. I don't know whether he said anything one way or the other.
Q. Have you ever told anybody that he was

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the one who was instrumental in getting you the job?
A. No.
Q. You've never said that to anybody?
A. No.
Q. Okay. And the -- after you got the job, did you call him and thank him?
A. I don't have any recollection of that, no.
Q. Okay. Did you thank him in person?
A. No.
Q. Did you ever say anything to him, write a note to him expressing your gratitude for getting you the job at ATAA?
A. I didn't have any belief that he, quote, got me the job at ATAA.
Q. Okay. Did you notice a relationship between this general -- this gentleman, the director of communications, and the ATAA?
A. A -- did I notice a relationship? I largely was working out of my office in the home, so I wouldn't have been privy to anything that was going on between Namik Tan and ATAA.
Q. Okay.

A. I would say I spent probably 95 percent of my time working there. Occasionally I would go into -- I think the address is listed on that filing, 15th Street or whatever.
Q. The 1526 18th Street?
A. Yeah.
Q. Okay.
A. That I think was the townhouse.
Q. And did you ---
A. And I -- excuse me?
Q. You said you thought was a what?
A. A townhouse.
Q. Okay. And is that where you worked?
A. I had no office there. I knew that was their headquarters, and so when I would come in and talk to Guler Kokpar about writings and I also would -- for ATAA I would go out to speak to some of the local groups where they served as an umbrella organization for, that's where I would meet her, but I had no office there.
Q. What were some of the local groups that they were an umbrella organization for?
A. I don't recall the particular ones. 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. BRAY: 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?

A. It's not the express statement, but it could be an implied statement.

Q. And did you -- did you imply that she is denying the Genocide in this TCA paper?

A. Implying that -- I'm not -- I'm implying that she would vote as a juror where the standard is beyond a reasonable doubt based upon all the evidence in the public record and the definition of genocide that would be given as an instruction to the jury based upon the Genocide Convention of 1948 and the relevant U.S. statute, that she could not reach a verdict of conviction. That is what I'm suggesting.

Q. Well, is there anyplace in the complaint where it says in a -- this is a verdict of a jury trial?

A. Anywhere in what complaint, sir?

Q. In the complaint that's been drafted here. Do you know what the complaint is in this case?

A. I know the complaint in this case.

MR. BREY: Objection. There are actually two complaints.

MR. GERAGOS: I understand.

MR. BREY: I don't know what you're showing.

MR. GERAGOS: I'm asking him if he's familiar with the complaint in this case.

A. I am familiar with the complaint in this case, correct.

Q. Okay. And are you familiar with the -- the statements in here that Jean Schmidt says she is not denying the Genocide?

A. Those statements I believe are not in the case anymore.

Q. Okay. Are you familiar with the fact that they were in the case?

A. I'm familiar with the fact that they previously were in the case.

Q. Okay.

A. Yes, sir.

Q. And do you think that those statements, that she does not deny the Genocide, comport with the statement that you released or that you drafted in hole or in part that was marked as Exhibit B?

A. I think that they can be reconciled 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

that during the discovery there was another similar ambiguous statement about not supporting the resolution as opposed to denying the Genocide.

Q. Well, the -- when I say during your discovery, you mean during Jean Schmidt's deposition?

A. No. I think this was in --

Q. Because it was dismissed prior, right?

A. Right. I think this was in documentary information, I believe at one fundraiser there had been a document that had been sent out that was similar, and that's what caused a re-examination of the clarity of the evidence.

Q. All right. Now, I'm going to show you a -- it looks like Today's Zaman, your gateway to Turkish daily news. Have you ever written anything for Today's Zaman?

A. No.

Q. Have you ever seen this document? Before I mark it, I'll ask you if you have seen it?

A. I believe at Jean Schmidt's deposition was the first time I saw that document.

Q. Okay. You didn't write anything that's

contained in there?

A. I had nothing -- no.

Q. Do you know anybody who did?

A. No.

Q. We'll mark that as Exhibit C.

- - - - -

Thereupon, Defendant's Exhibit C is marked for purposes of identification.

- - - - -

Q. Now, the -- I want to go back to what I was asking before. You said the tension. The tension was in documentary evidence, meaning that this press release, which was released on -- it says November 4th, that did not comport with the -- or you had some trouble reconciling it with the complaint itself; is that correct?

MR. BREY: I would object.

A. I don't know whether you'd call it --

MR. BREY: I would object. Let me object.

I would object. This goes far beyond anything that's relevant to the case in terms of what's remaining.

Q. I'll try to move through it quickly.

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MR. FINNEY: Well, hold on. Let me make sure we're clear. One of the things that we have remaining in this case and we've said this in the pleading to the Election Commission is the sanction of counsel and your client for having made repeatedly the false accusations in the four charges that you dropped.

MR. BREY: That still doesn't make it discoverable for the hearing.

MR. FINNEY: That's -- Mark, I just want to make sure you're aware.

Q. Okay. The --

MR. BREY: I'm sorry. I didn't mean to interrupt you. I'm wondering when we want to take a break.

MR. GERAGOS: What time is it, I'm sorry. I'm still on Pacific time. It's a quarter to 1:00.

MR. FINNEY: It's a quarter till 1:00.

MR. GERAGOS: Take the break now, that's fine.

MR. BREY: Okay.

- - - - -

Thereupon, a luncheon recess is taken

at 12:44 p.m.

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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

either way. You can either tell me the ones you recognize, or if it's easier to just say the ones you don't recognize.

A. I think it's easier to say the ones that I do recognize.

Q. Okay.

A. On the first page, do you know what -- the top page that you gave me --

Q. Right.

A. -- Mr. Gerages, Yalcin Ayasli -- Ayasli, sorry for that pronunciation. I do know he's the gentleman I know who is the primary founder of TCA. I believe I met Bahar is his daughter on one occasion, so I remember that name. I met on one occasion Ahmed Guitekin. I recognize Lincoln McCurdy. So I believe, Mr. Gerages, on the first page there are four names.

Q. Okay. On the second?

A. On the second page, I don't recognize any of those names.

Q. Okay.

A. The third page, it just -- it just has salutation. I -- just single names. I don't -- it's -- just with first names, I would be

uncomfortable knowing who they could be on that third page. Are their last names addressed there it just as salutation Nami, Ahmet, Erhan, Orhan. Is there a last name that's attached to those, do you know?

Q. I believe they are on the following page.

A. The fourth page I have -- the third and fourth pages to me look like they just have first names.

Q. Okay. You don't recognize any of those just by first name; is that correct?

A. Well, some of them could be. I mean, Yalcin obviously if the first name Yalcin Ayasli.

MR. FINNEY: Mark, just to clarify, there's two pages of names, and then it's a spreadsheet that goes across, so like salutation and donation amount. So I think just the first page two pages are the ones that have the full name.

Q. You've gone through the first two pages?

A. Uh-huh.

Q. You recognize those names, the ones

you've previously stated, the four?

A. The four are the only ones that I recognize.

Q. Now, earlier you had indicated that you thought you had only registered once as a foreign agent, then I think you clarified that it maybe was three times?

A. It could have been -- it could have been.

Q. I'm going to ask you if you recognize this, which will be Defense Exhibit E. Is that your --

A. Yes.

Q. -- registration statement?

- - - - -

Thereupon, Defendant's Exhibit E is marked for purposes of identification.

- - - - -

A. Yes.

Q. And that was for what?

A. RENAMO was an organization -- it was a political party in then Mozambique.

Q. Okay. And you were -- that's your name, you're the registrant pursuant to the

Foreign Agents Registration Act?

A. Yes.

Q. Okay. And where did you -- let's see. The -- who did you represent, specifically?

A. RENAMO.

Q. Okay. Here's Exhibit F. Is that also a foreign registration statement?

- - - - -

Thereupon, Defendant's Exhibit F is marked for purposes of identification.

- - - - -

A. Yes. That's Pakistan.

Q. Who did you represent?

A. The Embassy of Pakistan.

Q. Okay. And that's that was filled out by you in your handwriting?

A. That's what it looks like, yes, sir.

Q. Okay. And Exhibit G?

- - - - -

Thereupon, Defendant's Exhibit G is marked for purposes of identification.

- - - - -

A. Uh-huh.

Q. Is that another foreign registration?

A. Yes.
Q. And that's also by you?
A. Yes.
Q. Okay. And that's for what government?
A. The Embassy of Togo.
Q. Okay. Now, in these four registration statements, the -- what you say you're going to do is -- let's see, for Pakistan, for instance, you're going to communicate --
MR. BREY: Excuse me. Could we get copies of these exhibits now?
MR. GERAGOS: Sure.
(A short recess is taken.)
Q. Now, on the registration of -- that's marked as Exhibit E, and that's for RENAMO, you describe your -- you're supposed to receive 40,000 per month indefinitely plus out-of-pocket expenses for addressing and writing a political agenda; is that correct?
A. Yes. That contract was never effectuated because changes in circumstances. That was not honored by RENAMO.
Q. Okay. And the nature of your performance would be to give speeches, draft press

releases, write newspaper columns, give broadcast interviews, and communicate with members of Congress, the Bush administration and leaders; is that correct?
MR. BREY: Objection. Relevance.
A. I'll -- what, in fact, I did with them -- none of those activities did I perform. I drafted a model constitution with something like the Federalist Papers and charted out what I thought would be a sensible way to resolve the outstanding dispute between RENAMO and FALEMO. Mozambique was in a Civil War. Ultimately it did resolve the situation, and the UN held elections in a few year's time. And RENAMO is now probably the largest opposition party; FALEMO is still the ruling party in Mozambique. But none of those activities that were described were performed because RENAMO did not honor their promise.
Q. Okay. I'm going to go back to my question. Maybe I didn't --
A. Okay.
Q. The -- you were supposed to give speech -- or what you proposed to do was give speeches, press release, write newspaper columns give

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broadcast interviews?

A. That's what I proposed, yes.

MR. BREY: Objection. Relevance.

Q. And then the same for the Embassy of Pakistan, that what you were proposing to do was communicating in writing orally with -- and members of Congress and the Executive Branch to influence United States policy; is that correct?

A. Yeah. That was largely over -- as you know, that Kashmir is a huge issue between Indian and Pakistan.

Q. And you wanted to organize symposium issues such as Kashmir and nuclear proliferation, provide legal advice, lobby key members of Congress, right?

MR. BREY: I would like to have a general objection to the relevancy of questions about this.

MR. GERAGOS: That's fine.

A. Yes.

Q. Okay. And the same with the Embassy of Togo, the -- you were going to draft informational materials, educate governmental officials, the media and the American people, correct?

MR. BREY: Same objection as to relevance. Go ahead.

A. Yes. They had similar problems with constitutional transition there. African Trade and Development Act was a big issue for them.

Q. Now I'm going to ask you to take a look at what I marked as Exhibit H. Have you seen this before, this document before?

- - - - -

Thereupon, Defendant's Exhibit H is marked for purposes of identification.

- - - - -

A. No.

Q. Okay. Do you know what the Caspian Group is?

A. No.

Q. Do you see the address there?

A. Yes.

Q. It's the address -- that's the original you've got in your hands; is that correct?

A. Yes.

Q. Okay. And is that address the same address where your organizations, TCA and the Turkish American Legal Defense Fund, is --

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operates out of?

A. Well, certainly the 1025 Connecticut Avenue Northwest is. Now, it says No. 1025, I'm not sure, Mr. Geragos, what that means because I don't recall when you go into the 10th floor that they have numbers on the doors, but --

Q. Okay.

A. -- I'm not all that attentive.

Q. Now, this is a registration statement for the Caspian Group and the foreign principal is the Republic of Turkey with a principal address at the Embassy of Turkey; isn't that correct?

A. I'm sure the record speaks for itself. I don't have any -- there's no reason that I think it would be inaccurate, but --

Q. Okay. Does this appear to you that this document was filed in March of this year, that the Caspian Group was listed as a foreign agent in March of this year doing business in the same building where you are?

A. Well, the date is -- looks to me like it's March 7th of 2009.

Q. All right.

A. And if this is accurate, yes.

Q. Okay. And do you see who the contact information is on here? Would that be the ambassador of Turkey, Senior -- you can -- the name that's spelled out on there?

MR. BREY: I would object. The document speaks for itself, and he's already stated he's never seen it before, he doesn't know anything about it.

A. Yeah.

Q. And have you heard of the Caspian Group?

A. No.

Q. Never heard of them?

A. Until today, no.

Q. Okay. And so the first time that you are aware that there's a foreign agent registration form for the government of Turkey located in the same building as you as of March of this year, this is the first time you knew that?

A. Yes.

Q. Okay. And can you tell me the activities that you do on behalf of the Turkish council of American --

A. Coalition. I think it's coalition.

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Q. Coalition. Okay. TCA?
A. Uh-huh.
Q. Would those include the fact that you've written articles? Is that one of the things you do as a scholar, a resident scholar?
A. Yes.
Q. Okay. Would you say that lobbying members of Congress is one of the things that you do in your role at TCA?
A. No.
Q. Okay. How about speak with staff and members of Congress and the Executive Branch; is that something you do in your role?
A. No.
Q. Okay. And have you done that? Have you spoken with members of Congress regarding Turkish-related issues?
A. No.
Q. How about Armenian Genocide Resolution issues?
A. No.
Q. And how about the drafting of articles to influence public opinion in regards to Turkey, have you done that?

A. Other than what's been published, Mr. Geragos, I -- and when I answered yes, I mean I wrote -- I remember I wrote something for the San Francisco Chronicle about the resolution issue when Nancy Pelosi -- I don't know whether she had made up her mind to take it to the Floor or not, but to the extent that people read columns and believe them, I guess you can influence a lot of people. But my understanding of how the Act works is that -- those kind of publications that you are writing for TCA --
Q. Is it your --
A. -- is not --
Q. Okay.
A. -- is not registered -- does not make you a registered agent for the --
Q. Well --
A. -- foreign government.
Q. Do you give speeches -- you've given speech on the resolution; is that correct?
A. I don't know whether I've given speech on the resolution. There have been times I've spoken to college students about the issue and how 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.

A. If you're getting paid by a foreign government, there are things that are required to be registered that you don't register for if it's just private entities.

Q. And if the private entity is being funded by a foreign government, then you would feel compelled to register as a foreign agent?

A. If there is a relationship -- as you well know what the Foreign Agents Registration Act states, that if you are representing or an agent of a foreign government or foreign political party, then you have to register. And if that was the nature of the relationship, that this was an arm of the foreign government and form -- I mean, substance triumphs over form, you would be required to register.

Q. Okay. Have you met with DLA Piper?

A. No.

Q. Okay. And you --

A. I think DLA Piper is my opponent in an antitrust suit I have against Dwayne Wade. I have met with them to discuss that antitrust suit.

Q. But nothing regarding Turkish issues or Armenian Genocide resolution issues?

A. No.

Q. And the specifics of your retention in this case prior to the November 2nd election, did you meet with Jean Schmidt?

A. I did not even know who Jean Schmidt was until after the election.

Q. When did it first come to your attention?

A. When Lincoln McCurdy suggested, because he's the one who was most aware of how the campaigns were unfolding with regard to several members -- I think I mentioned those earlier, Mr. Wexler, Mr. Cohen, Jean Schmidt, and he mentioned that Jean had been subject to I -- my verb -- I mean, my term was verbal thuggery and suggested and asked could I make an arrangement to go up and visit with her. And that's how it came to my attention. That's first time I ever even knew who Jean Schmidt was.

Q. Well, do you remember the day of the election?

A. I think it was November 4th.

Q. You think it was November 4th?

A. And I think that Lincoln was very

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aroused because of what Mr. David Krikorian had posted in part because he was accusing TCA really and Lincoln McCurdy of committing a crime, a felony in fact, that could send him to prison, namely that he was a conduit for the government of Turkey and funneling money illegally into Jean Schmidt's campaign, and that caused him a great deal of consternation of having been accused of committing a crime.

Q. All right. You didn't sue Mr. Krikorian, though, did you?

A. Myself?

Q. Yes.

A. Not at present.

Q. Okay. And you said the election you thought was November 4th?

A. It was Tuesday, but I -- that's my best recollection, but it could be wrong. I don't know what the -- my -- my recollection was that Mr. Krikorian had issued his letter on Sunday or the second and then the election was two days later, but sometimes the first Tuesday in November is on a different day than the fourth.

Q. Okay. Now, the -- did you immediately

meet with Congresswoman Schmidt that same day?

A. No. I think that I didn't meet her face to face until a while thereafter.

Q. Okay. Well, then when you drafted the body of this, had you met with Congresswoman Schmidt?

A. No. And the references I made were based upon what Lincoln McCurdy -- my recollection of what he told me about Jean Schmidt.

Q. About what he told you about Jean Schmidt?

A. Yes. And I may have misinterpreted, but that was a foundation. If you want to know the foundations of my contribution to that release and what it says about Jean Schmidt, it's from speaking to Lincoln McCurdy.

Q. Okay. And specifically the date upon which this was issued which was November 4th, and I just checked and I -- I hope --

A. That is right.

Q. -- my representation that that's the day of the election.

A. Yes. And I know that there was a great 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?

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A. With -- the complaint with the prosecutors, yes.

Q. And was that the same complaint that -- whether the counts have been dismissed, but the same complaint that we marked before I believe as Exhibit A -- I'm sorry, it wasn't Exhibit A. The same complaint that I had showed you before -- I don't know if I marked this one. And did you at that time when you filed the complaint, had you drafted a declaration for Jean Schmidt?

A. No.

Q. Okay. And did you represent to the Elections Commission that you represented Jean Schmidt?

A. No.

Q. And did you --

A. Excuse me. I -- you may have misspoke. I wasn't communicating with the Elections Commission at this point. These were just persons who had authority to prosecute crimes. Because Ohio I think is a little bit unique. There it's in the Criminal Code that can be enforced by prosecutors. The Ohio Election Commission is a -- is a sister organization that handles cases in a

different setting. So I hadn't communicated anything at that point to the Ohio Elections Commission.

Q. Okay. So prior to representing her, you had -- if I understand correctly, had filed a complaint with the attorney general; is that correct?

A. Of Ohio. That is right.

Q. Of Ohio. And then the county prosecutor?

A. I think there was one or forwarded -- I'm not sure whether I just forwarded it, because the attorney general wrote back and said we don't handle these kinds of prosecutions, you need to send it to a county prosecutor.

Q. Okay. Have you produced a copy of that letter that the attorney general wrote back to you?

A. No.

Q. And you didn't bring it with you here today?

A. I didn't know that that I was asked to.

MR. BREY: Never been asked, never been submitted.

Q. And do you have a -- do you have a copy of the original complaint that you filed with the attorney general?

A. I will go search it if that's what I'm required to do.

MR. BREY: You're not required to do that.

MR. GERAGOS: Well, I appreciate, you know -- I understand your role here, but giving him advice while we're on the record when I'm asking him a question I think is outside of your role.

A. Do I have the original?

MR. BREY: Well, in this case I would object.

A. I just don't know. It was probably over about a year ago. I guess I don't know.

Q. Okay. Now, when you filed that complaint, did you represent in any way that you -- that you had -- you were doing this on behalf of Jean Schmidt?

A. No.

Q. Okay. Who did you say you were filing the complaint on behalf of?

A. TAL -- Turkish American Legal Defense Fund.

Q. Okay. And they were the aggrieved party?

A. Well, the TCA was accused of a crime by Mr. David Krikorian, an egregious crime, taking money from a foreign government, also using that money as a quid pro quo to bribe Jean Schmidt. So they had been -- TCA had been accused of two felonies: Felony one is bribery, felony two is taking money from a foreign government. So I think that qualifies them for being an aggrieved party.

Q. Okay. Where did he accuse TCA? Where is that?

A. The 30,000 -- the 30 -- I guess I need to see the exhibits if I --

Q. Sure. Which exhibit would you like to see?

A. How about the --

Q. All the originals are here.

I don't think it's that one.

A. No. The -- this is -- I think there were the two exhibits, Mr. Geragos. One was a

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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

that would try to eliminate that intimidation, harassment factor.

Q. Okay. And -- I'm sorry. Were you not finished? Because the question I wanted to ask you, we looked at Exhibit I --

A. Yeah.

Q. There's no accusation about --

A. Now, I need to restate my answer. My answer is no.

Q. To which question?

A. The question was whether or not the flyers mentioned TCA.

Q. Okay.

A. And it's not -- I -- now my recollection is it just mentioned the TCA USA PAC.

Q. Okay. Well, that is -- the TCA USA PAC is not in Exhibit I; is that correct?

A. That is correct.

Q. Okay.

A. That could only be induced by the other things, but go ahead.

Q. Okay. And then is this the other letter that you're talking about?

A. Yes.

Q. Okay. Can you tell me, is the TCA PAC mentioned by name in that letter?

A. I think that when you --

Q. I just asked a question simple. Is the TCA PAC mentioned in this letter where you say that you were accused of crimes? Is there anywhere mentioned in there the Turkish Coalition of America?

A. Indirectly, yes --

Q. Yeah. I just --

A. -- but directly, no.

Q. So the complaint that you filed, did you misspeak when you said it was because the Turkish Coalition of America was mentioned?

A. Yes, I did. And that's what I was trying to explain. It was the fact that we perceived this effort to intimidate and harass and make baseless accusations or innuendos --

Q. I don't want to interrupt, but I'm going to object that it's nonresponsive. I just asked you if you misspoke.

A. Yes.

Q. Okay. Now, the Turkish Coalition of 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 forgot exhibit number. Do you have
24 it right there?

A. No, this does not say that we're representing Jean Schmidt.

Q. Okay. And you then waited until April to file -- April 29th, I believe, to file the complaint with the Ohio Elections Commission; is that correct?

A. I think the document speaks for itself. There was a protracted period where all of this was under review in the House. And I will say based upon what I was told, the House Ethics Committee, we could not and would not move forward until we had clearance.

Q. So it's your position or your understanding I should say that you couldn't do anything more because the Turkish American Legal Defense Fund had no standing at that point? Was that --

MR. BREY: I would object.

A. No. The --

MR. BREY: I would object.

A. Sorry.

MR. BREY: You're asking for his legal judgments about why he did certain things on behalf of one or both of two clients, and I just

think that's protected. I don't think that's a proper question.

MR. GERAGOS: Okay. I appreciate that.

Q. The -- did you -- you were rejected both by the attorney general and by the district attorney, county prosecutor?

A. The attorney general said they had no jurisdiction over the matter. The county prosecutor was unresponsive.

Q. Okay. And so then you needed to find a client; is that correct?

A. No. I'm not sure what -- if your question insinuates that we were searching to find a client and drum up one, that's not accurate. No.

Q. Well, that's exactly what happened, isn't it?

A. That we went out and were drumming up clients?

Q. Well, you called the scheduler, didn't you, and you set up a --

A. Lincoln McCurdy asked me to make a call to meet.

Q. Right. And that would be solicitation,

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would it not, of a client?
A. Have you filed a claim of barratry against me?
Q. Of champerty and maintenance, no, I haven't, but --
A. Why not?
Q. I don't know. Maybe I'll wait and you can wait and see as --
A. It's a long time after the fact.
Q. Well, actually, this is the first time you've been under the deposition that we have become aware of this, so I believe the statute of limitations would start running now. So --
A. Okay.
Q. -- I would ask you to stay tuned. Because I believe you have already testified you called up the scheduler in order to get her as a client; isn't that correct?
A. No. The fact is Lincoln McCurdy had requested that I do that and maybe because she had voiced an interest.
Q. Do you know that?
A. Because she had been accused -- no, I don't know that for certain.

Q. So I'm asking --
A. She had been accused of a crime, and it's not unusual for people --
Q. Did she call you?
A. -- being accused of a crime. No, she did not call me.
Q. Okay. And did she or did any -- as far as you know did her chief of staff call your office and say, hey, we need the Turkish American Legal Defense Fund to help us?
A. No.
MR. BREY: I would object.
A. Sorry.
MR. BREY: I would object to this entire line of questions. It's improper --
MR. GERAGOS: I would too if I were you because it's outrageous what he's done here.
MR. BREY: Just a second --
MR. GERAGOS: Or what he's just admitted to under oath.
MR. BREY: Just a second, you interrupted me a again.
MR. GERAGOS: No, I'm not interrupting you.

MR. BREY: You interrupted me again. You interrupted me.

MR. GERAGOS: I'm joining in your objection. It is outrageous. I agree with you. It's outrageous that --

MR. BREY: You interrupted me.

MR. GERAGOS: -- they're shopping for a client.

MR. BREY: You interrupt me all the time and you interrupt him. You are not allowed to interrupt counsel.

MR. GERAGOS: Counsel, you can interrupt any time you want.

MR. BREY: I don't interrupt you. You interrupted. Then I will interrupt any time I want you, and I will completely try to say what I want to say until I have an opportunity to do.

MR. GERAGOS: You are supposedly representing --

MR. BREY: You are supposedly showing common courtesy to opposing counsel.

MR. GERAGOS: -- Congresswoman Schmidt as counsel.

MR. BREY: You are supposed to show

courtesy to opposing counsel.

MR. GERAGOS: I'm not showing you discourteous.

MR. BREY: Yes, you are. You are showing me discourtesy all the time.

MR. GERAGOS: I'm in here in your office --

MR. BREY: Because you want to talk and you don't want me to talk, and that's not legitimate.

MR. GERAGOS: I don't care if you talk.

MR. BREY: Then why did you interrupt me when I try to talk?

MR. GERAGOS: You haven't made an objection; you just talk.

MR. BREY: I make an objection --

MR. GERAGOS: Make and objection, state the grounds.

MR. BREY: And I will interrupt you until you let me state --

MR. GERAGOS: What's the grounds?

MR. BREY: -- my grounds.

MR. GERAGOS: State it.

MR. BREY: I will state it if you let

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me talk without interrupting as you repeatedly do. I object to this entire questioning -- by the way, this is a common tactic that you do. It's improper. It's an unethical tactic --

MR. GERAGOS: You can say whatever you want.

MR. BREY: -- for you to --

MR. GERAGOS: Just state your objection.

MR. BREY: It is an unethical tactic for you to interrupt me when I'm making an objection.

MR. GERAGOS: It's unethical to solicit clients.

MR. BREY: It's unethical for you to accuse him of --

MR. GERAGOS: He just said it.

MR. BREY: He didn't say that at all.

Q. Mr. Fein --

MR. BREY: You said it several times.

Q. -- you were the one who called Jean Schmidt at --

A. My understanding --

MR. BREY: Objection.

A. Sorry, sir.

MR. BREY: Objection. He's also -- you're misstating the -- the record in terms of the solicitation. This has nothing to do with this case, and I instruct the witness not to answer communications he had in terms of developing the attorney/client relationship with Jean Schmidt which is also privileged, and the privilege belongs to her, not to him.

Q. Well, you didn't have a communication with Jean Schmidt when you called her; isn't that correct?

MR. BREY: Objection. Relevancy.

Q. You made the first contact with her; isn't that correct?

MR. BREY: Objection. That's not his testimony. His testimony was --

A. My testimony is not that whatsoever. It has not that whatsoever. My testimony was that to my understanding there had been communications between Jean and Lincoln McCurdy.

Q. You just testified --

A. Could you let me finish my --

Q. -- that you didn't know that.

A. -- question?
Q. You just testified you didn't know that.
A. I said my understanding. Now --
Q. From who?
A. -- did I take under oath -- from Lincoln McCurdy.
Q. He told you that?
A. He indicated, yes.
Q. That he had talked to Congresswoman Schmidt?
A. Yes.
Q. And that she had called him and said she wanted --
A. I don't know --
Q. -- to tell --
A. -- whether those were the particular words, but he would indicate that was the reason, that I was not shopping and soliciting from a disinterested client whatsoever. And any insinuation of the contrary is wrong.
Q. Isn't that what you just testified to before your lawyer objected?
A. No.

Q. Isn't that -- didn't you just say on the record that you called her up and called the scheduling clerk and you had no information about Lincoln McCurdy; isn't that what you testified to?
MR. BREY: That's not what was testified --
A. No, that's not what I testified.
Q. The record is what it is, and you're saying now that's not what you said.
A. I did not say that.
MR. BREY: I would object.
Q. Okay.
MR. BREY: You're mischaracterizing the record. You misrepresented --
MR. GERAGOS: The record is what it is. That isn't an objection.
MR. BREY: It is an objection when you are telling him certain things that are false.
MR. GERAGOS: This would be about the fifth time that he's either misspoke, clarified or claimed that he's wrong before.
Q. I'm asking you: Did you ever speak to Congresswoman Schmidt prior to you contacting her scheduler?

A. No.

Q. And when you contacted the scheduler, did you tell the scheduler that you wanted to meet with Congresswoman Schmidt?

A. The background as I'll give -- to give the full answer, I was informed by Lincoln McCurdy that Jean Schmidt was interested in talking about this issue because she was furious at having been accused of committing multiple felonies by Mr. David Krikorian. Based upon that information and his request, I called Jean Schmidt's office and her scheduler. I did not initiate it without a prior indication that she was interested in talking. That is how the communication and the contact unfolded.

Q. Didn't you previously testify about eight minutes ago that you didn't know whether Lincoln McCurdy had a conversation with her?

A. I did not testify to that, no, sir.

Q. Okay. And it is now your testimony that you did have a conversation with Lincoln McCurdy; is that correct?

A. My testimony all along is Lincoln McCurdy is the one who suggested that I call Jean

Schmidt, yes, sir.

Q. Okay. And he suggested -- and your testimony is he suggested that because she told him that she wanted you to call?

A. Whether he owed that particular phraseology, I don't know. But he would -- he was the one who indicated that she had an interest and I should communicate that.

Q. Okay. Let's take about a five-minute break.

MR. BRAY: Okay.

(A short recess is taken.)

(Mr. Geragos and Glandian exit deposition.)

A. Back on the record. Yes, I just wanted to elaborate on a response to an earlier question from Mr. Geragos about Jean's position, genocide interpreting what was on this Turkish American Legal Defense Fund posting on the Internet site of TCA, Turkish Coalition of America, and I was explaining what had transpired in my deposition. I didn't remember the gentleman's name earlier on in this proceeding. I now have before me, it's the deposition of Palmer C. Reising,

R-E-I-S-I-N-G, that was taken on July 10th, 2009. I believe this was in your office, Mr. Finney. And on the -- one of the issues raised was his position in Mr. Krikorian's campaign. And he answers on page 14, I asked: "Did you have a title?" And the answer was: "I think my official title is campaign director." And then -- so as campaign director, I then asked him about his understanding of the Genocide issue. And this is on page 57 of the deposition, and his answer is as follows: "Well, in addition, I was not familiar with the issues surrounding what is referred to by some as the genocide. I'm not familiar with the issues, and I have not researched it enough to take a position one way or another on it."

And I just wanted to add that to my --

- - - - -

Thereupon, Defendant's Exhibit K is marked for purposes of identification.

- - - - -

MR. BREY: Can we go ahead and mark that whatever the next --

MR. FINNEY: Is that in response to some question you're asking, because it's not in

response to a question that Mr. Geragos was asking.

THE WITNESS: It was an answer --

MR. BREY: Chris Finney has raised a correct point. Is there anything you wish to add to the record, and would your answer be anything different than the -- what you've just presented to him?

THE WITNESS: No.

MR. BREY: Okay.

THE WITNESS: Did this need to be marked as an exhibit?

MR. BREY: Let's go ahead and mark that.

MR. FINNEY: Is this the entire deposition?

THE WITNESS: No. We just excerpted that. We can bring the entire deposition in if you want.

MR. FINNEY: I would object on that basis that this is not the entire deposition.

MR. BREY: Okay. And you can ask any follow-up about that.

MR. FINNEY: I have no follow-up

DKSub_0213
11-6574_0385

questions.

THE REPORTER: Is he reserving his right to read this, or is he waiving his right?

MR. BREY: Yes, he is.

- - - - -

Thereupon, the foregoing proceedings concluded at 3:11 p.m.

- - - - -

State of Ohio : C E R T I F I C A T E

County of Franklin: SS

I, Stacy M. Upp, a Notary Public in and for the State of Ohio, do hereby certify the within named Bruce Fein 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. Upp, Notary Public - State of Ohio

My commission expires August 6, 2011.

DKSub_0214
11-6574_0386

Bruce Kain August 31, 2004

213

Witness Errata and Signature Form:

Deposition Scheduled for: Deposition of Change Sheets

Date:

183 East Stewart Avenue 1 - Milligan/Ling 2 - Bond

Lansdowne, PA 19050 3 - Hessig Bond 4 -

Representative

Phone - 610-444-[redacted]Fax - 610 444-3140 5 - Video Conference Client

Email - mike.dispatch@courtreporting.com 6 Sheet ... of

Page/Line	Correction, Addition, or Change	Reason Code

I, Bruce Kain, have read the foregoing transcript of my deposition taken in this matter, or

the same has been made to me, I believe that the changes noted by Corrections are correct and my testimony

is correct and accurate.

I hereby request for the changes indicated.

Date: Witness

"Now witness has failed to sign the deposition within the time allowed.

Date: Signature

EXHIBIT 24

Jean Schmidt
2nd District of Ohio

Congress of the United States
House of Representatives

Committee on Agriculture
Subcommittees
Committee on Transportation and Infrastructure
Subcommittees

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,

/S/

Jean Schmidt
Member of Congress

District Offices

EXHIBIT 25

Jean Schmidt
2nd District of Ohio

Washington, DC 20515
(202) 225-3164

Congress of the United States
House of Representatives

Committee on Agriculture
Subcommittees
Department Operations, Oversight, and Nutrition
Specialty Crops, Rural Development, and Foreign Agriculture
Subcommittee on Livestock, Dairy, and Poultry

Committee on Transportation and Infrastructure
Subcommittees
Highways and Transit
Coast Guard and Maritime Transportation
Economic Development, Public Buildings, and Emergency Management

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
[illegible]
[illegible]
Website: 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,

/s/

Jean Schmidt
Member of Congress

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 [redacted]

Filer Status	[X] Member of the U.S. House of Representatives	State: OH District: 02	[ ] Officer or Employee	Employing Office:
Report Type	[X] Annual (May 15)	[ ] Amendment	[ ] 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 [X]	No [ ]	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 [ ] No [X]
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 [ ]	No [X]	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 [X] No [ ]
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 [X]	No [ ]	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 [X] No [ ]
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 [X]	No [ ]	IX. Did you have any reportable agreement or arrangement with an outside entity? **If yes, complete and attach Schedule IX.**	Yes [ ] No [X]
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 [ ]	No [X]	**Each question in this part must be answered and the appropriate schedule attached for each "Yes" response.**	

EXCLUSION OF SPOUSE, DEPENDENT, OR TRUST INFORMATION — ANSWER EACH OF THESE QUESTIONS

TRUSTS—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 [ ]	No [X]
EXEMPTION—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 [ ]	No [X]

Name REP. JEANETTE SCHMIDT | Page 1 of 9

SCHEDULE I — EARNED INCOME

List the source, type, and amount of earned income from any source (other than the filer's current employment by the U.S. Government) totalling $200 or more during the preceding calendar year. For a spouse, list the source and amount of any honoraria; list only the source for other spouse earned income exceeding $1,000. See examples below.
Exclude: Military pay (such as National Guard or Reserve pay), federal retirement programs, and benefits received under the Social Security Act.

	Source	Type	Amount
Examples:	Keene State	Approved Teaching Fee	$8,000
	State of Maryland	Legislative Pension	$9,000
	Civil War Roundtable (Oct. 2nd)	Spouse Speech	$1,000
	Ontario County Board of Education	Spouse Salary	NA
	CITI SMITH BARNEY	SPOUSE SALARY	NA

For payments to charity in lieu of honoraria, use Schedule II.

Name REP JEANNETTE SCHMIDT

Page 2 of 9

SCHEDULE III—ASSETS AND "UNEARNED" INCOME

BLOCK A — Asset and/or Income Source

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 ***all IRAs*** 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 ***each asset*** 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.

BLOCK B — Value of Asset

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."

BLOCK C — Type of Income

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 ***including all IRAs***, indicate the type of income by checking the appropriate box below. **Dividends and interest, even if reinvested, should be listed as income.** Check "None" if asset did not generate any income during calendar year.

BLOCK D — Amount of Income

For retirement plans or accounts that do not allow you to choose specific investments, you may write "NA" for income. For all other assets, ***including all IRAs***, indicate the category of income by checking the appropriate box below. ***Dividends and interest, even if reinvested, should be listed as income.*** Check "None" if no income was earned or generated.

BLOCK E — Transaction

Indicate if the asset had purchases (P), sales (S), or exchanges (E) exceeding $1000 in reporting year.

If only a portion of an asset is sold, please indicate as follows: (S) (partial) See below for example.

P, S, E

	Block A	A None	B $1 – $1,000	C $1,001 – $15,000	D $15,001 – $50,000	E $50,001 – $100,000	F $100,001 – $250,000	G $250,001 – $500,000	H $500,001 – $1,000,000	I $1,000,001 – $5,000,000	J $5,000,001 – $25,000,000	K $25,000,001 – $50,000,000	L Over $50,000,000	NONE	DIVIDENDS	RENT	INTEREST	CAPITAL GAINS	EXCEPTED/BLIND TRUST	Other Type of Income (Specify: For Example, Partnership Income or Farm Income)	I None	II $1 – $200	III $201 – $1,000	IV $1,001 – $2,500	V $2,501 – $5,000	VI $5,001 – $15,000	VII $15,001 – $50,000	VIII $50,001 – $100,000	IX $100,001 – $1,000,000	X $1,000,001 – $5,000,000	XI Over $5,000,000	Block E
SP	Mega Corp. Stock					X									X			X					X									S (partial)
DC, Examples:	Simon & Schuster			Indefinite																Royalties								X				
JT	1st Bank of Paducah, KY Accounts						X									X									X							
JT	SMITH BARNEY BANK DEPOSIT					X									[redacted]		X						X	[redacted]								P
JT	CITIGROUP (FROM SAVINGS STOCK PURCHASE PLAN)														X							X										S
JT	LEGG MASON OPPORTUNITY TR																															S
JT	LEGG MASON (COMMODY)														X							X										S
	SMITH BARNEY BANK DEPOSIT				X												X						X									P
	LEGG MASON OPPORTUNITY TR																															S

For additional assets and unearned income, use next page.

SCHEDULE III—ASSETS AND "UNEARNED" INCOME

Continuation Sheet (if needed)

Name REP JEAN SCHMIDT

Page 3 of 9

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 None	B $1 – $1,000	C $1,001 – $15,000	D $15,001 – $50,000	E $50,001 – $100,000	F $100,001 – $250,000	G $250,001 – $500,000	H $500,001 – $1,000,000	I $1,000,001 – $5,000,000	J $5,000,001 – $25,000,000	K $25,000,001 – $50,000,000	L Over $50,000,000	NONE	DIVIDENDS	RENT	INTEREST	CAPITAL GAINS	EXCEPTED/BLIND TRUST	Other Type of Income (Specify)	I None	II $1 – $200	III $201 – $1,000	IV $1,001 – $2,500	V $2,501 – $5,000	VI $5,001 – $15,000	VII $15,001 – $50,000	VIII $50,001 – $100,000	IX $100,001 – $1,000,000	X $1,000,001 – $5,000,000	XI Over $5,000,000	P, S, E
SP	SMITH BARNEY BANK DEPOSIT			X													X					X										
SP	LEGG MASON 401 K																															
	- LEGG MASON VALUE TR																															S
	- LEGG MASON SPEC INV TR																															S
	- LEGG MASON OPP TR																															S
	- ROYCE PENNSYLVANIA																															S
	(401K SOLD & ROLLED OVER																															
	TO SP SMITH BARNEY IRA)																															
SP	SMITH BARNEY IRA																															
	- SMITH BARNEY BANK DEPOSIT					X											X						X									P
	- ISHARES DJ US DIV FUND				X										X								X									P
	- WY DIRECT STRATEGY FUND					X												X		CAP GAIN REALIZED						X						P
	- JANUS FORTY FUND				X													X		CAP GAIN REALIZED				X								P
	- LEGG MASON OPPORTUNITY TR				X																											P
	- LEGG MASON EMERGING MKTS					X																										P
	- LEGG MASON VALUE TR				X																											P
	- ROYCE VALUE FUND					X																										P
	- ROYCE MICRO CAP FUND				X													X		CAP GAIN REALIZED				X								P
	- THORNBURG INV INC FUND				X													X		CAP GAIN REALIZED			X									P

This page may be copied if more space is required.

SCHEDULE III—ASSETS AND "UNEARNED" INCOME

Continuation Sheet (if needed)

Name Rep Jean Schmidt

Page 4 of 9

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 None; B $1 – $1,000; C $1,001 – $15,000; D $15,001 – $50,000; E $50,001 – $100,000; F $100,001 – $250,000; G $250,001 – $500,000; H $500,001 – $1,000,000; I $1,000,001 – $5,000,000; J $5,000,001 – $25,000,000; K $25,000,001 – $50,000,000; L Over $50,000,000	NONE; DIVIDENDS; RENT; INTEREST; CAPITAL GAINS; EXCEPTED/BLIND TRUST; Other Type of Income (Specify)	I None; II $1 – $200; III $201 – $1,000; IV $1,001 – $2,500; V $2,501 – $5,000; VI $5,001 – $15,000; VII $15,001 – $50,000; VIII $50,001 – $100,000; IX $100,001 – $1,000,000; X $1,000,001 – $5,000,000; XI Over $5,000,000	P, S, E
SP	Citigroup Stock Purchase Plan	C	DIVIDENDS	II	P
SP	Citigroup 401 K Plan				
	– Wellington Large Cap Fund	C			P
	– Dodge & Cox Intl Fund	C			P
	Thrift Savings Plan	E			
	– G Fund	C			P
	– F Fund	D			P
	– C Fund	D			P
	– S Fund	C			P
	– I Fund	C			P
	Ohio Public Employee Ret Plan	E			
	Peoples Bank (Milford OH)	C	INTEREST	II	
	Center Bank (Milford OH)	C	INTEREST	II	
	First National Bank (Milford OH)	C	INTEREST	II	
JT	National City Bank (Kenwood OH)	C	INTEREST	II	
SP	Smith Barney Deferred Comp	D	DIVIDENDS	II	
SP	Smith Barney Pension Plan	C	DIVIDENDS	II	
SP	Smith Barney Deferred Stock Plan	D	DIVIDENDS	II	
	RSJ LLC (Brentwood Holding See Attached)	D	INTEREST	III	

This page may be copied if more space is required.

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)

JEANNETTE H. SCHMIDT

(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

Name Rep Jean Schmidt | Page 5 of 9

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.

SP, DC, JT	Asset	Type of Transaction: PURCHASE	SALE	EXCHANGE	Date (MO/DAY/YR) or Quarterly, Monthly, or Bi-weekly, if applicable	Amount of Transaction: 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		10-12-98		X								
JT	Smith Barney Bank Deposit	X			9-15-08	X									
JT	Citigroup Common Stock		X		9-15-08	X									
JT	Smith Barney 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 Barney Bank Deposit	X			3-28 08		X								
	Smith Barney 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 Barney 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						
SP															

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Name REP JEAN SCHMIDT | Page 6 of 9

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.

SP, DC, JT	Asset	Type of Transaction: PURCHASE	SALE	EXCHANGE	Date (MO/DAY/YR) or Quarterly, Monthly, or Bi-weekly, if applicable	Amount of Transaction: 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		10-12-08		X								
SP	SMITH BARNEY ITA														
SP	- SMITH BARNEY BANK DEPOSIT	X			2-12-08				X						
SP	- 1 SHARES DJ SEL DIV FUND	X			10-31-08		X								
SP	- IVY ASSET STRATEGY FUND	X			2-25-08		X								
SP	- IVY ASSET STRATEGY FUND	X			3-13-08		X								
SP	- JANUS FORTY FUND	X			10-31-08		X								
SP	- LEGG MASON OPPORTUNITY TRUST	X			12-4-08		X								
SP	- LEGG MASON EMERGING MKTS TRUST	X			2-12-08		X								
SP	- "	X			2-25-08		X								
SP	- "	X			4-15-08		X								
SP	- "	X			10-28-08		X								
SP	- LEGG MASON VALUE TR	X			10-28-08		X								
SP	- "	X			10-31-08		X								
SP	- ROYCE VALUE FUND	X			4-15-08		X								
SP	- "	X			10-28-08		X								
SP	- "	X			10-31-08		X								

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Name REP JEAN SCHMIDT

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.

SP, DC, JT	Asset	Type of Transaction: PURCHASE	SALE	EXCHANGE	Date (MO/DAY/YR) or Quarterly, Monthly, or Bi-weekly, if applicable	Amount of Transaction: 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		10-12-08		X								
SP	POLICE MICRO CAP FUND	X			2-13-08		X								
SP	THORNBURG INV. INCOME FUND	X			2-13-08		X								
SP	"	X			10-13-08	X									
SP	CITIGROUP STOCK PURCHASE PLAN	X			M	X (YEARLY)									
SP	CITIGROUP 401 K PLAN														
	- WELLINGTON LARGE 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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Name REP JEAN SCHMIDT | Page 8 of 9

SCHEDULE VII — TRAVEL PAYMENTS AND REIMBURSEMENTS

Identify the source and list travel itinerary, dates, and nature of expenses provided for travel and travel-related expenses totalling more than $335 received by you, your spouse, or a dependent child during the reporting period. Indicate whether a family member accompanied the traveler at the sponsor's expense, and the amount of time, if any, that was not at the sponsor's expense. *Disclosure is required regardless of whether the expenses were paid directly by the sponsor or were paid by you and reimbursed by the sponsor.*

Exclude: Travel-related expenses provided by federal, state, and local governments, or by a foreign government required to be separately reported under the Foreign Gifts and Decorations Act (5 U.S.C. § 7342); political travel that is required to be reported under the Federal Election Campaign Act; travel provided to a spouse or dependent child that is totally independent of his or her relationship to you.

	Source	Date(s)	City of Departure—Destination—City of Return	Lodging? (Y/N	Food? (Y/N	Was a Family Member included? (Y/N)	Number of days not at sponsor's expense
Examples:	Chicago Chamber of Commerce	Mar. 2	DC—Chicago—DC	N	N	N	None
	Roycroft Corporation	Aug. 6–11	DC—Los Angeles—Cleveland	Y	Y	Y	2 Days
	TAIPEI ECONOMIC, CULTURAL REPRESENTATIVE	MAY 26-29	CINCINNATI - TAIPEI - CINCINNATI	Y	Y	N	NONE
	CONGRESSIONAL STUDY GROUP ON TURKEY	MAR 8 9	DC - MEMPHIS - CINCINNATI	Y	Y	N	NONE
	FRANKLIN CENTER FOR GLOBAL POLICY EXCHANGE	NOV 8-14	CINCINNATI - AMSTERDAM - CINCINNATI	Y	Y	Y	NONE
	THE NATIONAL FEDERATION FOR WOMEN LEGISLATORS	NOV 22-24	CINCINNATI - SARASOTA - CINCINNATI	Y	Y	N	NONE

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Name REP JEAN SCHMIDT | Page 9 of 9

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	RJJT LLC (FAMILY PARTNERSHIP)
PARTNER	JT RAPP 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

Page 1 of 16

ML

LEGISLATIVE RESOURCE CENTER
2010 JUL 22 PM 2:57

JUL 15 2010
(Office Use Only)

Name: Rep. Jeannette H. Schmidt **Daytime Telephone:** 202-225-[redacted]

Filer Status	[X] Member of the U.S. House of Representatives	State: OH District: 02	[ ] Officer or Employee	Employing Office:
Report Type	[ ] Annual (May 17, 2010)	[X] Amendment	[ ] 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 [X]	No [ ]	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 [ ]	No [X]
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 [ ]	No [X]	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 [X]	No [ ]
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 [X]	No [ ]	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 [X]	No [ ]
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 [X]	No [ ]	IX. Did you have any reportable agreement or arrangement with an outside entity? **If yes, complete and attach Schedule IX.**	Yes [ ]	No [X]
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 [ ]	No [X]	**Each question in this part must be answered and the appropriate schedule attached for each "Yes" response.**		

EXCLUSION OF SPOUSE, DEPENDENT, OR TRUST INFORMATION — ANSWER EACH OF THESE QUESTIONS

TRUSTS—*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 [ ]	No [X]
EXEMPTION—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 [ ]	No [X]

Name REP. JEAN SCHM, JR.	Page 2 of 16

SCHEDULE I — EARNED INCOME

List the source, type, and amount of earned income from any source (other than the filer's current employment by the U.S. Government) totalling $200 or more during the preceding calendar year. For a spouse, list the source and amount of any honoraria; list only the source for other spouse earned income exceeding $1,000. See examples below.
Exclude: Military pay (such as National Guard or Reserve pay), federal retirement programs, and benefits received under the Social Security Act.

	Source	Type	Amount
Examples:	Keene State	Approved Teaching Fee	$5,000
	State of Maryland	Legislative Pension	$9,000
	Civil War Roundtable (Oct. 2nd)	Spouse Speech	$1,000
	Ontario County Board of Education	Spouse Salary	NA
	MORGAN STANLEY SMITH BARNEY (MSSB)	SPOUSE SALARY	N/A

For payments to charity in lieu of honoraria, use Schedule II.

Name REP JEAN SCHMIDT | Page 3 of 12

SCHEDULE III – ASSETS AND "UNEARNED" INCOME

BLOCK A — Asset and/or Income Source

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 ***all IRAs*** 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 ***each asset*** 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; and 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.

BLOCK B — Value of Asset

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."

BLOCK C — Type of Income

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 ***including all IRAs,*** indicate the type of income by checking the appropriate box below. **Dividends and interest, even if reinvested, should be listed as income.** Check "None" if asset did not generate any income during calendar year.

BLOCK D — Amount of Income

For retirement plans or accounts that do not allow you to choose specific investments, you may write "NA" for income. For all other assets, ***including all IRAs,*** indicate the category of income by checking the appropriate box below. **Dividends and interest, even if reinvested, should be listed as income.** Check "None" if no income was earned or generated.

BLOCK E — Transaction

Indicate if the asset had purchases (P), sales (S), or exchanges (E) exceeding $1,000 in reporting year.

If only a portion of an asset is sold, please indicate as follows: (S) (partial) See below for example.

			Block A	A None	B $1 – $1,000	C $1,001 – $15,000	D $15,001 – $50,000	E $50,001 – $100,000	F $100,001 – $250,000	G $250,001 – $500,000	H $500,001 – $1,000,000	I $1,000,001 – $5,000,000	J $5,000,001 – $25,000,000	K $25,000,001 – $50,000,000	L Over $50,000,000	NONE	DIVIDENDS	RENT	INTEREST	CAPITAL GAINS	EXCEPTED/BLIND TRUST	Other Type of Income (Specify; For Example, Partnership Income or Farm Income)	I None	II $1 – $200	III $201 – $1,000	IV $1,001 – $2,500	V $2,501 – $5,000	VI $5,001 – $15,000	VII $15,001 – $50,000	VIII $50,001 – $100,000	IX $100,001 – $1,000,000	X $1,000,001 – $5,000,000	XI Over $5,000,000	Block E P, S, E
SP	Examples:	SP	Mega Corp. Stock					X									X			X					X									S (partial)
DC			Simon & Schuster		Indefinite																	Royalties									X			
JT			1st Bank of Paducah, KY Accounts						X									X										X						
			MS&S - MORGAN STANLEY SMITH BARNEY																															
JT			MS&S BANK DEPOSIT			X													X					X										
JT			CALVERT SHORT DURATION BOND				X										X								X									P
JT			CITIGROUP COMMON STOCK		X																													
			MS&S BANK DEPOSIT			X													X						X									
SP			MS&S BANK DEPOSIT			X													X						X									

For additional assets and unearned income, use next page.

SCHEDULE III — ASSETS AND "UNEARNED" INCOME

Continuation Sheet (if needed)

Name PRET JEAN SCHMIDT

Page 4 of 12

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 (P, S, E)
SP	MSCIP RETIREMENT PLAN				
	— FIXED INCOME OPTION	C	NONE	None	P
	— EQUITY OPTION	D	NONE	None	P
	THRIFT SAVINGS PLAN				
	— G FUND	D	NONE	None	P
	— F FUND	D	NONE	None	
	— C FUND	D	NONE	None	
	— S FUND	D	NONE	None	
	— I FUND	D	NONE	None	
	OHIO PUBLIC EMPLOYEE RET PLAN	E	NONE	None	
	PORK NATIONAL BANK (MILFORD OH)	C	INTEREST	II	
	CLAY FED CREDIT UNION	A	INTEREST	II	P
	PROVIDIBLE BANK (MILFORD OH)	C	INTEREST	II	
	CENTER BANK (MILFORD OH)	C	INTEREST	II	
JT	NATIONAL CITY (NEW YORK) MILFORD	C	INTEREST	II	

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SCHEDULE III – ASSETS AND "UNEARNED" INCOME

Continuation Sheet (if needed)

Name Rep Jean Schmidt

Page 5 of 11

SP, DC, JT	BLOCK A Asset and/or Income Source	BLOCK B Year-End Value of Asset: A None	B $1 – $1,000	C $1,001 – $15,000	D $15,001 – $50,000	E $50,001 – $100,000	F $100,001 – $250,000	G $250,001 – $500,000	H $500,001 – $1,000,000	I $1,000,001 – $5,000,000	J $5,000,001 – $25,000,000	K $25,000,001 – $50,000,000	L Over $50,000,000	BLOCK C Type of Income: NONE	DIVIDENDS	RENT	INTEREST	CAPITAL GAINS	EXCEPTED/BLIND TRUST	Other Type of Income (Specify)	BLOCK D Amount of Income: I None	II $1 – $200	III $201 – $1,000	IV $1,001 – $2,500	V $2,501 – $5,000	VI $5,001 – $15,000	VII $15,001 – $50,000	VIII $50,001 – $100,000	IX $100,001 – $1,000,000	X $1,000,001 – $5,000,000	XI Over $5,000,000	BLOCK E Transaction P, S, E
	MSSB - Morgan Stanley Smith Barney																															
SP	MSSB IRA (Was Smith Barney IRA)																															
	- Bank Deposit Program						X										X						X									
	- Australia Index ETF				X										X								X									P
	- Brazil Index ETF				X										X								X									P
	- EM Asia Pacific ETF			X											X							X										P
	- BRIC ETF				X										X							X										P
	- 30Yr Treas ETF Short				X									X							X											P
	- Ivy Asset Strategy Fund					X									X							X										
	- Janus Fort Fund				X									X							X											P
	- Janus Triton Fund				X									X							X											P
	- Janus Overseas Fund						X								X								X									P
	- Royce Value Fund					X									X								X									P
	- Thornburg Inv Inc Fund					X									X									X								P
SP	MSSB 401 K																															
	- US Large Cap			X											X							X										P
	- US Mid Cap			X											X							X										P
	- US Sm Cap			X											X							X										P
	- Emerging Markets			X											X							X										P
	(Partnership Holdings See Attached)																															

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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 Pat Jean Schmidt

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.

SP, DC, JT	Asset	Type of Transaction: PURCHASE	SALE	EXCHANGE	Check Box if Capital Gain Exceeded $200	Date (MO/DAY/YR) or Quarterly, Monthly, or Bi-weekly, if applicable	Amount of Transaction: 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	CITIGROUP 401 K															
	– WELLINGTON LARGE CAP FUND		X			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	(YEARLY)							
JT	MSSB – JOINT ACCOUNT															
	– CALVERT SHORT DURATION FUND	X				7-20-09		X								
SP	MSSB 401 K															
	– US LARGE CAP	X				M	X	(YEARLY)								
	– US MID CAP	X				M	X	(YEARLY)								
	– US SM CAP	X				M	X	(YEARLY)								

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SCHEDULE IV— TRANSACTIONS

Name REP JEAN SCHMIDT

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SP	*Example:* Mega Coporation Common Stock (partial sale)		X			10-12-09		X								
SP	MSSB 401 K (CONTINUED)															
	— EMERGING MARKETS	Y				M	Y	(MEDIUM)								
	CONGRESS FED CREDIT UNION	X				9-30-09	X									
SP	MSCIP. RETIREMENT PLAN															
	(LONGEVITY RETIREMENT PLAN															
	EARNED IN 2009															
	— FIXED INCOME OPTION	Y				6-8-09	X									
	— EQUITY OPTION	Y				6-8-09		X								
SP	MSSB IRA (WAS SMITH BARNEY IRA)															
	— 1 SHARE DJ SEL DIV		X			4-23-09	Y									
	— LEGG MASON OPPORTUNITY TR		X			2-23-09		X								
	— LEGG MASON EM MKTS		X		X	9-23-09		X								
	— LEGG MASON VALUE TR		X			2-23-09		X								

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Name REP JOHN SCHMIDT

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SCHEDULE IV — TRANSACTIONS

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.

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SP	*Example* Mega Coporation Common Stock (partial sale)		X			10-12-09		X								
SP	MSSB IRA (CONT)															
	– ROYCE VALUE FUND		X			3-2-09		X								
	– ROYCE MICRO CAP		X		X	9-1-09		X								
	– AUSTRALIA INDEX ETF	X				11-6-09		X								
	– BRAZIL INDEX ETF	X				11-12-09		X								
	– EM ASIA PAC ETF	X				11-11-09	X									
	– JANUS FORTY FUND	X				11-9-09		X								
	– ROYCE VALUE FUND	X				9-16-09		X								
	– THORNBURG INV INC FUND	X				9-16-09			X							
	– BRIC ETF	X				12-1-09		X								
	– 30 YR TREAS ETF SHORT	X				12-15-09		X								
	– JANUS TRITON FUND	X				10-19-09		X								
	– JANUS OVERSEAS FUND	X				5-4-09		X								
	– JANUS OVERSEAS FUND	X				7-15-09	X									
	– JANUS OVERSEAS FUND	X				7-20-09	X									
	– JANUS OVERSEAS FUND	X				10-19-09		X								

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SCHEDULE IV— TRANSACTIONS

Name REP. JEAN SCHMIDT

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SP	Example: Mega Coporation Common Stock (partial sale)		X			10-12-09		X								
SP	~~MSSB IRA 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			~~[illegible]~~	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								

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SCHEDULE IV— TRANSACTIONS

Name REP JEAN SCHMIDT

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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.

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SP	*Example:* Mega Corporation 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 AMER INDEX FUND	X				7-20-09		X								
	- LATIN AMER 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									

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SCHEDULE IV – TRANSACTIONS

Name REP JEAN SCHMIDT

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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.

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SP	*Example:* Microsoft Corporation Common Stock (partial sale)		X			10-12-09		X								
SP	MSSB IRA (CONT)															
	- ULTRA SP 500 ETF	X				3-12-09		X								
	- ULTRA SP 500 ETF		X		X	3-13-09		X								
	- SHORT 20YR TREAS ETF	X				2-27-09		X								
	- SHORT 20YR TREAS ETF		X		X	6-11-09		X								
	- SHORT EM MKT ETF	X				7-8-09		X								
	- SHORT EM MKT ETF		X		X	7-10-09		X								
	- ULTRA SHORT SP 500 ETF	X				3-17-09			X							
	- ULTRA SHORT SP 500 ETF		X			3-27-09			X							
	- GOLD TR ETF	X				10-6-09		X								
	- GOLD TR ETF		X		X	12-3-09		X								
	- BRIC 40 ETF	X				6-1-09	X									
	- BRIC 40 ETF		X			6-18-09	X									
	- ENERGY ETF	X				3-24-09		X								
	- ENERGY ETF		X		X	6-15-09		X								

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Name REF JEAN SCHMIDT

SCHEDULE IV— TRANSACTIONS

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SP	*Example:* Megal Corporation Common Stock (partial sale)		X			10-12-09		X								
SP	MSSB IRA (CONT)															
	- FIN SECTOR ETF	X				3-12-09		X								
	- FIN SECTOR ETF		X		X	4-17-09		X								
	- FIN SECTOR ETF	X				5-8-09	X									
	- FIN SECTOR ETF		X			6-18-09	X									
	- TECH SECTOR ETF	X				3-12-09	X									
	- TECH SECTOR ETF		X			3-16-09	X									
	- EM MKTS ETF	X				4-1-09		X								
	- EM MKTS ETF		X		X	5-7-09		X								

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Name REP JEAN SCHMIDT | Page 15 of 16

SCHEDULE VII — TRAVEL PAYMENTS AND REIMBURSEMENTS

Identify the source and list travel itinerary, dates, and nature of expenses provided for travel and travel-related expenses totalling more than $335 received by you, your spouse, or a dependent child during the reporting period. *Indicate whether a family member accompanied the traveler at the sponsor's expense,* and the amount of time, if any, that was not at the sponsor's expense. Disclosure is required regardless of whether the expenses were paid directly by the sponsor or were paid by you and reimbursed by the sponsor.

Exclude: Travel-related expenses provided by federal, state, and *local governments*, or by a *foreign government* required to be separately reported under the Foreign Gifts and Decorations Act (5 U.S.C. § 7342); political travel that is required to be reported under the Federal Election Campaign Act, travel provided to a spouse or dependent child that is totally independent of his or her relationship to you.

	Source	Date(s)	City of Departure—Destination—City of Return	Lodging? (Y/N)	Food? (Y/N)	Was a Family Member Included? (Y/N)	Number of days not at sponsor's expense
Examples:	Chicago Chamber of Commerce	Mar. 2	DC—Chicago—DC	N	N	N	None
	Roycroft Corporation	Aug. 6–11	DC—Los Angeles—Cleveland	Y	Y	Y	2 Days
	HERITAGE FOUNDATION RETREAT	FEB 5-7	DC - BALTIMORE - DAYTON	Y	Y	N	NONE
	TURKISH COALITION TRIP	MAY 24-31	DC - ISTANBUL - DC	Y	Y	N	NONE
	FRANKLIN CENTER FOR GLOBAL POLICY EXCHANGE	AUG 9-14	CINCINNATI - OTTAWA - CINCINNATI	Y	Y	Y	NONE

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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	RJJ 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

Use additional sheets if more space is required.

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

ONE HUNDRED ELEVENTH CONGRESS

U.S. House of Representatives

COMMITTEE ON STANDARDS OF
OFFICIAL CONDUCT

Washington, DC 20515–6328

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-9, THE CAPITOL,
(202) 225-7103

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.[1]

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.[2] 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."[3]

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

[1] *See* House Rule 11, cl. 3(a)(4); Committee Rule 3(b).

[2] House Rule 11, cl. 3(a)(4).

[3] 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.[4] However, the rule also expressly provides that any such representation is "to be provided at the respondent's own expense."[5] 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.[6] 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.[7]

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[4] Committee Rule 26(a).

[5] *Id.*

[6] 31 U.S.C. §1301(a).

[7] 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.[8]

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.[9]

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.[10] Members may not accept any gift, except as specifically permitted by House rules.[11]

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.[12] 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."[13] 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)."[14] 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).

[8] 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.

[9] House Rule 25, cl. 5(a)(2)(A).

[10] 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).

[11] House Rule 25, cl. 5(a)(1)(A)(i); *see also* House Rule 23, cl. 4.

[12] *See* House Rule 25, cl. 5(a)(3)(E).

[13] *Id.*

[14] *2008 House Ethics Manual* at 64.

made in compliance with Committee regulations regarding legal expense trusts.[15] The rules for establishing, maintaining, and providing public disclosure about such a fund are contained in the appendices to the *2008 House Ethics Manual*.[16]

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.[17] 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.[18]

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.[19] 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.[20]

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[15] *See* Comm. on Standards of Official Conduct, "Legal Expense Fund Regulations" ¶ 1 (June 10, 1996), *reprinted in 2008 House Ethics Manual* at 394.

[16] *See generally id.*, *reprinted in 2008 House Ethics Manual* at pages 394-96.

[17] *See 2008 House Ethics Manual* at 65.

[18] *Id.*

[19] *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").

[20] 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.[21] 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.[22] 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.[23] 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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[21] *See* 5 U.S.C. § 7353(a).

[22] *See id.* § 7353(b)(1).

[23] *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.

* * *

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.

Sincerely,

Zoe Lofgren
Chair

Jo Bonner
Ranking Republican Member

ZL/JB:ced

APPENDIX B

Jean Schmidt
2nd District of Ohio

2404 Rayburn House Office Building
Washington, DC 20515
(202) 225-3164

Congress of the United States
House of Representatives

Committee on Agriculture
Chairwoman, Subcommittee on Nutrition and Horticulture
Committee on Transportation and Infrastructure
Committee on Foreign Affairs

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COMMITTEE ON ETHICS

May 27, 2011

Daniel A. Schwager
Chief Counsel/Staff Director
Committee on Ethics
Washington, DC 20515-6328

Dear Mr. Schwager:

Thank you for the opportunity to respond to the Office of Congressional Ethics' (OCE) report and findings.

Since initiating legal action in the Ohio Elections Commission, I have sought to remain in compliance with all applicable laws and House rules. Shortly after filing a complaint with the Ohio Elections Commission (OEC), my staff contacted the Committee regarding payment of legal fees. At the Committee's urging, I decided to pursue the establishment of a legal expense trust. In so doing, I have relied heavily on the expertise of the Committee.

Throughout this process, my office has provided the Committee with all the information in our possession. If the Committee requested more information, we responded quickly and honestly to the request. At the same time, the Committee supplemented its knowledge through its own research. When questions or concerns were raised, my office responded. At all times, I have followed the Committee's advice whenever and however given.

I look forward to continuing to work with the Committee in the same good faith manner as we seek to resolve any outstanding issues.

Pro-Bono Legal Services

Of all of the charges leveled against me over the past two years, this is the most exasperating and frustrating. I never expected anything other than me, my campaign, or my legal trust to be responsible for paying my legal bills. It has been almost two years since my office contacted the Committee. In that time, Ethics Committee Chairs have come and gone; at least three different professional staff members have been assigned to my case; I have endured an "investigation" by the Office of Congressional Ethics; and, I am still not certain that we are any closer to resolving this issue. One thing has remained constant over that time: I have complied with the Committee's advice to not accept a bill until a responsible entity that would be liable for payment is formed. When the Ethics Committee gives me the necessary guidance and approval, I will pay these fees.

District Offices

8044 Montgomery Road
Suite 170
Cincinnati, Ohio 45236
(513) 791-0381

602 Chillicothe Street
Suite 304
Portsmouth, Ohio 45662
(740) 354-1440

www.house.gov/schmidt

I neither sought nor received pro-bono legal services. With all due respect to the Office of Congressional Ethics, any suggestion that I did not plan to pay for legal services runs contrary to available evidence and logic. Shortly after filing a complaint with the OEC, my staff contacted the Committee to discuss ways to pay for these legal services. I submitted a letter in 2009 seeking an advisory opinion regarding appropriate ways to pay fees and services. In 2010, I submitted letters seeking formal approval to establish a legal expense trust and guidance on the permissibility of entering into a contingency fee agreement to pay for the civil portion of these legal proceedings. Additionally, I have provided both the House Ethics Committee and OCE two separate proposed contingency fee agreements. Both proposals reference TALDF's principal attorneys, the cases before the OEC and in Ohio state courts, and one is on Turkish American Legal Defense Fund (TALDF) letterhead and is signed by both Bruce Fein and David Saltzman.

Relevant and Material Information May Not Have Been Provided to the Committee

Any suggestion that I withheld relevant and material information from the Committee would seem to demonstrate a lack of understanding of the process that led to my 2010 request for approval of a legal expense trust. Throughout this process, my office has worked cooperatively with the Committee to provide all relevant and material information. My office relied heavily upon the Committee's expertise in determining what information is actually relevant and material. We answered all Committee questions fully and honestly. In most instances, I understand that the Committee supplemented its knowledge by performing its own research.

The Committee was well aware of the relationship between TALDF and the Turkish Coalition of America (TCA). In fact, I suspect that the Committee knew more relevant and material information regarding this relationship than I did. According to the advisory opinion provided to my office on February 26, 2010, this was an instance where the Committee supplemented its knowledge through its own research. On page 2, the letter states, "According to information in public databases and Web sites, TALDF is a project of the Turkish Coalition of America (TCA)." Any such Web site search would have involved going to TALDF's own site a portion of which reads, "The Turkish American Legal Defense Fund is supported by the Turkish Coalition of America (TCA), a public charitable, educational US organization which works to foster understanding of the Turkish American issues through public education . . ." (http://www.taldf.org/support.html) It goes on to direct those that want to support TALDF to send checks to TCA and that donations to TCA are tax deductible.

Further proof that the Committee was aware of the relationship between TALDF and TCA can be found on page 6 of the advisory opinion. Here, the Committee writes, "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." (emphasis added) The only business relationship I could have possibly have had with TCA would have been through its close affiliation with and support of TALDF.

As I have maintained throughout this process, I am being represented by TALDF. None of the discussions regarding payment of legal fees have involved TCA. In fact, both proposed contingency fee agreements submitted to the Committee mention only TALDF and me. I would

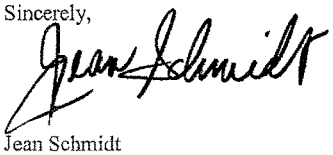
have learned of allegations that TCA was paying TALDF lawyers for my case directly at the same time and in the same manner as the Committee – through press reports and allegations sent by the Defendant in the Ohio cases. In this instance, again, the Committee may have actually had more information about the allegations than I did. According to an article in the *Armenian Weekly* it was reported that the Defendant sent letters last November to "the chief legal counsel of the Ethics Committee, the legal counsel for the Ranking Republican member Jo Bonner, as well as the legal counsel for the Ranking Democratic Chair Zoe Lofgren."

To the extent that the allegations contained in press reports and mailings of the defendant were relevant and material, given TCA's support of TALDF, I relied on the Committee's advisory opinion and expertise. Despite numerous staff contacts and past experience showing that the Committee is not shy about expressing concerns when warranted, this issue was never raised -- even when my office asked whether any "substantive issues" were delaying approval of the legal expense trust.

Finally, I have not solicited or accepted donations to cover past and future legal expenses. Any payment of legal fees that may have occurred, occurred through the regular course of support that TCA provides TALDF.

I have been working with the Committee for approximately two years to resolve this matter. In the interest of time, I have not answered each and every one of the findings of the OCE. Should you need more detailed responses or clarification of any response included herein, please do not hesitate to contact me or my Chief of Staff, Joe Jansen.

Sincerely,



Jean Schmidt
Member of Congress

Cc: Ms. Kelle A. Strickland
Mr. Thomas A. Rust

Declaration

I, Representative Jean Schmidt, declare (certify, verify or state) under penalty of perjury that the response and factual assertions contained in the attached letter dated May 27, 2011, relating to my response to the Report and Findings of the Office of Congressional Ethics, are true and correct.

Signature: Jean Schmidt

Printed Name: Jean Schmidt

Date: May 31, 2011