

**U.S. Department of Justice****Criminal Division**

Washington, D.C. 20530

December 31, 2008

VIA FACSIMILE AND FIRST CLASS MAIL

Paul F. Kemp, Esq.
Venable, LLP
One Church Street
5th floor
P.O. Box 1527
Rockville, MD 20849-1527

Re: Thomas M. Tamm

Dear Mr. Kemp:

As you know, the Department of Justice, with the assistance of the Federal Bureau of Investigation ("FBI"), presently is investigating the unauthorized disclosure of classified information regarding the Presidentially-authorized National Security Agency ("NSA") program involving the interception of international communications into and out of the United States of persons linked to al Qaeda or related terrorist organizations (referred to herein as the "Terrorist Surveillance Program").

In the summer of 2006, as part of that investigation, agents of the FBI attempted to interview Thomas M. Tamm, your client. At that time, Mr. Tamm refused to be interviewed. Additionally, during a subsequent conversation between us, you advised me that if Mr. Tamm received a subpoena to testify before the Grand Jury, he would invoke his Fifth Amendment right to remain silent and would not respond to questions.

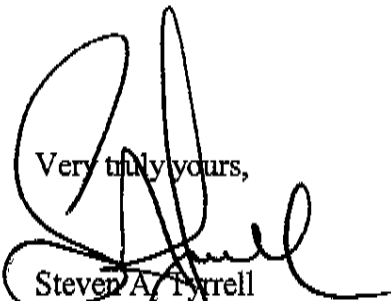
Approximately two weeks ago, I read an article in Newsweek titled, *The Fed Who Blew the Whistle* (Newsweek, Dec. 22, 2008). That article purports to be the product of a series of interviews of Mr. Tamm by Michael Isikoff, the Newsweek reporter who authored the article. In the article, Mr. Tamm makes statements concerning, among other things, the details of his contacts and communications with Eric Lichtblau and James Risen of The New York Times regarding the TSP.

In view of Mr. Tamm's recent public statements, I am writing to ask whether he is willing to reconsider his prior refusal to speak with agents of the FBI and/or to testify before the Grand

Jury regarding his knowledge of and participation in the disclosure of TSP-related information to Mr. Lichtblau, Mr. Risen and others. Assuming he is, we would like to arrange the interview and/or schedule the Grand Jury appearance as soon as possible. Accordingly, I would appreciate it if you would respond to this request by close of business on January 7, 2009. If I do not hear from you by that date, I will assume that Mr. Tamm is not interested in submitting to a voluntary interview or testifying before the Grand Jury.

Thank you for your consideration.

Very truly yours,



Steven A. Pyrell
Chief, Fraud Section
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