



U.S. Department of Justice

United States Attorney

Eastern District of Virginia

*Justin W. Williams United States Attorney's Building
2100 Jamieson Avenue
Alexandria, Virginia 22314-5794
(703)299-3700*

January 7, 2010

John J.E. Markham, II
Markham & Read
One Commercial Wharf West
Boston, Massachusetts 02110

Re: *Kronberg v. LaRouche, et. al.*, 1:09-cv-00947 (E.D. Va.)

Dear Mr. Markham:

By letter dated October 23, 2009, you request the United States consider the propriety of your representation of Molly Kronberg in the above-referenced civil proceeding as a result of your former position as an Assistant U.S. Attorney involved in the criminal prosecutions of Lyndon LaRouche and others in 1988.

First, you request advice regarding whether your continued representation of Ms. Kronberg violates the Federal post employment restrictions. Based on the facts as presented and the applicable law, the Executive Office of U.S. Attorney's General Counsel's Office has determined that your representation of Ms. Kronberg is not prohibited pursuant to 18 U.S.C § 207 and 5 C.F.R. § 2637.201.

Second, you request the United States opine on the application of Virginia Rule of Professional Conduct 1.11 to your continued representation of Ms. Kronberg in this matter. Your request calls into question whether such rule is applicable in this situation and therefore constitutes an issue properly to be considered by the Virginia State Bar Association. Accordingly, the United States offers no position regarding its application at this time.

I do not understand you to be seeking authority to disclosure confidential government information that you obtained in your former position as an Assistant U.S. Attorney and accordingly I will not address the issues that would be raised by such disclosure at this time. Indeed, you have stated that you no longer possess any such confidential governmental information. However, in the event that sometime in the future you determine that you do in fact possess confidential governmental information and wish to disclose it you will first need to inform the United States of, *inter alia*, the specific nature and content of the information which you seek

to disclose so that we may consider your request. Confidential information obtained in the course of government employment remains subject to established procedural and substantive rules regarding its disclosure. For example, see 28 C.F.R. §16.21 (Department of Justice *Touhy* regulations), Fed. R. Crim. Procedure 6(e) (providing for the safeguarding of grand jury information); 26 U.S.C. §6103 (providing for the safeguarding of tax return information), and Virginia Rule of Professional Conduct 1.6 (regulating the confidentiality of client information). *See also, Snepp v. United States*, 444 U.S. 507, 510 (1980)(holding that the United States has a substantial governmental interest in imposing reasonable restrictions on employee disclosure of protected governmental information). In the event that you determine that you do possess confidential governmental information that you wish to disclose, you must direct your request to that bureau, division, office or agency that was responsible for the collection, assembly or preparation of the information.

Sincerely,

Neil H. MacBride
United States Attorney

By: Robert K Coulter
Robert K. Coulter
Assistant U.S. Attorney