

**OFFICE OF THE FEDERAL PUBLIC DEFENDER  
DISTRICT OF MARYLAND**

NORTHERN DIVISION  
TOWER II, 9<sup>th</sup> FLOOR  
100 SOUTH CHARLES STREET  
BALTIMORE, MARYLAND 21201-2705  
TEL: (410) 962-3962  
FAX: (410) 962-0872

JAMES WYDA  
FEDERAL PUBLIC DEFENDER

DEBORAH L. BOARDMAN  
ASSISTANT FEDERAL PUBLIC DEFENDER

October 22, 2010

**VIA ECF**

Honorable Richard D. Bennett  
United States District Court  
for the District of Maryland  
101 West Lombard Street  
Baltimore, Maryland 21201

Re: *United States v. Thomas Drake*  
Crim. No. RDB-10-0181

Dear Judge Bennett:

I write regarding Mr. Drake's pending Motion for an Order Authorizing Defense Experts' Access to Classified Information ("Motion") [Docket No. 24]. During yesterday's conference call with the Court, Your Honor ordered briefing on whether the defense must disclose the identities of the proposed experts to the government before the experts may have access to classified information. A hearing on the matter has been scheduled for November 29.

Under the current schedule, more than a month will pass before the Court rules on whether the experts may have access to classified information. In the meantime, the defense sees no reason why the Court Security Officer, Christine Gunning, should not conduct a background investigation into the experts to obtain their security clearances, which they will need in the event the Court grants them access to classified information. If we wait until after the November 29 hearing to begin the security clearance process, the experts, if granted access, probably will not be able to start their work until January 2011. It would be immensely more efficient to start the background investigations now so that we do not needlessly lose valuable time during the month of December awaiting their clearances. Therefore, Mr. Drake respectfully requests that the Court issue an order authorizing Ms. Gunning to conduct a background investigation into the two proposed experts referenced in the Motion. I have enclosed a proposed Order.

Honorable Richard D. Bennett  
*United States v. Thomas Drake*, RDB-10-0181  
October 22, 2010  
Page 2

Thank you for your consideration.

Very truly yours,

/s/

Deborah L. Boardman  
Assistant Federal Public Defender

encl.

cc: William Welch, Esq. (w/ encl.)  
John Pearson, Esq. (w/ encl.)  
Ms. Christine Gunning (w/ encl.)