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VIA E-MAIL

April 22, 2013

Kerry W. Kircher
Office of the General Counsel
U.S. House of Representatives
219 Cannon House Office Building
Washington, D.C. 20515-3902

Re: United States v. Renzi, No. 08-cr-212 (D. Ariz.)

Dear Mr. Kircher:

We write in response to your letter of April 16, 2013 regarding the trial subpoena served upon Kevin Messner. Consistent with House Rule VIII, we provide the following information:

We represent former Congressman Richard Renzi in the above referenced criminal action. A copy of the operative Second Superseding Indictment is attached as Exhibit A. In this case, the Government alleges, among other things, that Renzi conspired to extort certain companies and to defraud the United States of his honest services through his actions relating to proposed land exchanges near Fort Huachuca in Arizona. *See* Second Superseding Indictment, ¶¶ 15-30. In particular, the Government alleges that Renzi insisted on the inclusion of a certain property, the so-called "Sandlin Property," in any such land exchange, with an intent to obtain a personal benefit or with a corrupt intent.

Through his service as Renzi's Chief of Staff, Kevin Messner is knowledgeable about Renzi's work on water issues relating to Ft. Huachuca and the San Pedro River. For example, Mr. Messner is knowledgeable about the so-called "Renzi Rider," Mr. Renzi's work with The Nature Conservancy as it relates to the Sandlin Property, and Mr. Renzi's concerns over Ft. Huachuca's position with respect to the Base Realignment and Closure Commission's deliberations. Mr. Messner is also knowledgeable about Mr. Renzi's interactions with representatives from Resolution Copper Company, as well as his relationship with James Sandlin. In the event that Congressman Renzi does not assert his Speech or Debate Clause privilege relating to some or all of these topics, we would expect Mr. Messner to testify on these and other subjects discussed at our April 19, 2013 meeting.

As you also know, while serving in Congressman James Kolbe's office, Mr. Messner reviewed, revised, and circulated draft legislation relating to one of the land exchanges at issue in the indictment. Subject to any applicable privileges, we would expect Mr. Messner to testify on this subject as well.

Kerry Kircher
April 22, 2013
Page 2

Mr. Messner's anticipated testimony is material and relevant because it goes directly to the core of the government's allegation that Renzi worked to include the Sandlin Property in potential land exchange legislation intending to obtain a personal benefit or corruptly intending to extort potential land exchange proponents. Mr. Messner's testimony regarding Renzi's knowledge, actions, and intent with respect to the Sandlin Property bear directly on whether Renzi acted with the necessary criminal intent.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Kelly B. Kramer", with a long horizontal flourish extending to the right.

Kelly B. Kramer