

Affidavit

State of Maryland  
Baltimore City

BEFORE ME, the undersigned Notary,

AARON STEWART, on

this 6 day of OCTOBER, 2004, personally appeared Bernice Myer, known to me to be a credible person and of lawful age, who being by me first duly sworn, on her oath, deposes and says:

On Friday September 10, 2004 I viewed a videotape at WINK TV in Ft. Myers Florida. The videotape was of a conference call between Steven J. Kanstoroom and two callers identifying themselves as Erik Banks, Assistant Counsel to the Department of Homeland Security Inspector General Clark Kent Irvin and Mr. Bank's paralegal. At the beginning of the call Mr. Kanstoroom asked if he could put the call on the speaker. Once on the speaker Mr. Kanstoroom asked Mr. Banks if there was any objection to the call being recorded. Mr. Banks gave permission, and Mr. Kanstoroom reiterated Mr. Bank's position it was acceptable to record the call. Mr. Banks concurred. Mr. Kanstoroom then asked Mr. Banks to spell his name and provide his email address. Mr. Banks did so.

The video tape showed a number of people in the conference room listening to the call. No one spoke other than Mr. Kanstoroom, Mr. Banks and the person identifying herself as Mr. Bank's paralegal.

The call primarily centered on, documents Mr. Kanstoroom had received via email and other means, some from individuals he did not know or had never met.

Mr. Kanstoroom said the documents appeared to implicate DHS personnel in wrongdoing.

The call can be summarized as DHS wishing to retrieve the documents, have Mr. Kanstoroom destroy his copies while at the same time the callers expressed no interest in investigating the document's contents.

At approximately twenty eight minutes into the tape, the following exchange took place:  
SJK = Steven J. Kanstoroom; EB = Erik Banks, Assistant Counsel to DHS Inspector General

SJK If people have emailed me, and I have no control over this; someone gets my address, and someone emails me a document with your name on it, and the contents are regarding your organization; the question is am I not permitted as a private citizen to retain what someone emails me?

EB From government systems or official records that were electronically forwarded to you, then no. The best thing for you to do with those documents is to send them back to us.

SJK So, in other words what you are telling me is; is that it is not lawful for me to retain what someone else emails me like that?

EB If official government records that you get from other officials or government channels than that's probably right.

SJK And I suppose I should shred any paper copies if I had any?

EB Correct.

SJK Oh, well it's a good thing there weren't any paper copies.

The above statement is true and correct to the best of my knowledge and belief and is made under the penalty of perjury.

Bernice Myer 10/6/04  
Bernice Myer Date  
[Redacted]  
[Redacted], Maryland [Redacted]

Subscribed and sworn to before me, this 6 day of October, 2004.

[Signature]  
[Signature]  
AARON J. STENAR

NOTARY PUBLIC  
My commission expires: \_\_\_\_\_ MY COMMISSION EXPIRES 8/1/07, 20\_\_\_\_.