



GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
1600 DEFENSE PENTAGON
WASHINGTON, DC 20301-1600

August 30, 2012

GENERAL COUNSEL

VIA FAX

Mr. "Mark Owen"
c/o Alexander Gigante, Esq.
General Counsel
Penguin Putnam Inc.
375 Hudson Street
New York, New York 10014

Dear "Mr. Owen:"

On January 24, 2007 you signed two separate non-disclosure agreements (attached) with the Department of the Navy. By virtue of both, and other similar agreements you may have signed, you have a continuing obligation to "never divulge" classified information, and this commitment remains in force even after you left the active duty Navy. You acknowledged your understanding of this, again, when you signed a "Sensitive Compartmented Information Debriefing Memorandum" (also attached) at the time of your departure from active duty on or about April 20, 2012. Further, when you signed the non-disclosure agreements in 2007 you, among other things, (i) acknowledged your awareness that disclosure of classified information constitutes a violation of federal criminal law, (ii) agreed to submit your manuscript for pre-publication security review, and to obtain permission from the agency before publishing it, and (iii) assigned to the U.S. Government "all royalties, remunerations, and emoluments that have resulted, will result or may result from a disclosure, publication or revelation of classified information not consistent with the terms of this Agreement."

The Department of Defense has obtained and reviewed an advanced copy of the book entitled "No Easy Day" authored by you. As we understand it, this book is due to be released next week, though copies of the book have apparently already been released. In the judgment of the Department of Defense, you are in material breach and violation of the non-disclosure agreements you signed. Further public dissemination of your book will aggravate your breach and violation of your agreements.

I write to formally advise you of your material breach and violation of your agreements, and to inform you that the Department is considering pursuing against you, and all those acting in concert with you, all remedies legally available to us in light of this situation.


Jeh Charles Johnson

