
From: Weinstein, Jason
To: Breuer, Lanny A.
CC: Raman, Mythili
Sent: 2/1/2011 2:22:28 PM
Subject: Re: ATF GunRunner

From ATF for his staff. We don't have a dog in it except as "Friends of ATF"

Jason M. Weinstein
Deputy Assistant Attorney General
Criminal Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Office: (202) [REDACTED]
Cell: (202) [REDACTED]

From: Breuer, Lanny A.
To: Weinstein, Jason
Cc: Raman, Mythili
Sent: Tue Feb 01 09:20:01 2011
Subject: Re: ATF GunRunner

Grassley has asked for a briefing?

From: Weinstein, Jason
To: Breuer, Lanny A.
Cc: Raman, Mythili
Sent: Tue Feb 01 06:49:03 2011
Subject: Re: ATF GunRunner

The weapon used to kill agent Terry was purchased from the FFL before the Fast and Furious investigation ever began - so ATF can and should strongly refute that.

Jason M. Weinstein
Deputy Assistant Attorney General
Criminal Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Office: (202) [REDACTED]
Cell: (202) [REDACTED]

From: Weinstein, Jason
To: Breuer, Lanny A.
Cc: Raman, Mythili
Sent: Mon Jan 31 21:43:28 2011
Subject: Re: ATF GunRunner

He suggests that ATF only prosecuted straws in the Fast and Furious case as opposed to higher-level members of the organization; he said that ATF "sanctioned" sales to straw purchasers in that case; and he asserts that one of the weapons from that case was used to kill CBP agent Brian Terry.

The best briefer on Fast and Furious really is the AUSA on the case, who is very sharp. Otherwise it should be someone like Bill Newell, the Phx SAC and soon-to-be Mexico Attache, who is fantastic and knows the case really well, or Billy Hoover.

As a mitzvah for ATF, I was going to suggest that you might send a brief email to Ken, offering any assistance they need in preparing for the Grassley briefing.

Jason M. Weinstein
Deputy Assistant Attorney General
Criminal Division
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950 Pennsylvania Avenue, N.W.
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Office: (202) [REDACTED]
Cell: (202) [REDACTED]

From: Breuer, Lanny A.
To: Weinstein, Jason
Cc: Raman, Mythili
Sent: Mon Jan 31 21:29:09 2011
Subject: Re: ATF GunRunner

What's this about? What did Grassley say?

From: Weinstein, Jason
To: Burke, Dennis (USAAZ); 'APings [REDACTED]'; 'Deborah.A.Johnston@ [REDACTED]'; Breuer, Lanny A.
Cc: Raman, Mythili
Sent: Mon Jan 31 21:14:16 2011
Subject: Re: ATF GunRunner

I agree completely. This is a really important briefing for ATF - they need to nail it. Since I won't be in Mexico this week after all, I'd be happy to work with ATF on the prep for this if it would be helpful.

Jason M. Weinstein
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950 Pennsylvania Avenue, N.W.
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Office: (202) [REDACTED]
Cell: (202) [REDACTED]

From: Burke, Dennis (USAAZ) [REDACTED]
To: Pings, Anne (USAEO) [REDACTED]; Weinstein, Jason; Johnston, Deborah A. (ODAG) (SMO)
Sent: Mon Jan 31 20:29:51 2011
Subject: FW: ATF GunRunner

Grassley's assertions regarding the Arizona investigation and the weapons recovered at the BP Agent Terry murder scene are based on categorical falsehoods. I worry that ATF will take 8 months to answer this when they should be refuting its underlying accusations right now.

From: Weich, Ron (SMO)
To: Miller, Matthew A (SMO)
Sent: 3/9/2011 3:48:58 PM
Subject: RE: development re Gunrunner oversight (incoming Leahy letter) --

Chutzpah. The NRA's now-public involvement in this may be useful in convincing reporters that this is part of the overall effort to discredit ATF.

From: Miller, Matthew A (SMO)
Sent: Wednesday, March 09, 2011 3:46 PM
To: Weich, Ron (SMO)
Subject: RE: development re Gunrunner oversight (incoming Leahy letter) --

The "civil rights of firearms owners?"!!!!

From: Weich, Ron (SMO)
Sent: Wednesday, March 09, 2011 3:36 PM
To: Wilkinson, Monty (OAG); Richardson, Margaret (SMO); Monaco, Lisa (ODAG); Smith, Brad (ODAG); Miller, Matthew A (SMO); Schmalzer, Tracy (SMO); Burton, Faith (SMO); Gaston, Molly (SMO); ATF; Agrast, Mark D. (SMO)
Subject: RE: development re Gunrunner oversight (incoming Leahy letter) --

ATF

informs me that the NRA has written to the House Judiciary Committee as well. Safe to assume that Chairman Smith will approach this differently than Chairman Leahy. Here is the text of that letter:

March 9, 2011

Dear Chairman Smith and Ranking Member Conyers:

I am writing to ask you to conduct expedited hearings on firearms trafficking enforcement tactics used by the Bureau of Alcohol, Tobacco, Firearms and Explosives.

As the nation's oldest and largest group dedicated to the civil rights of firearms owners, we have felt firsthand the effects of recent violence along the Mexican border. Among the victims of the bloodshed was NRA Life member Robert Krentz, murdered on his Arizona ranch by border-crossing criminals. We've also seen the violence exploited as an excuse for promoting many gun control proposals, most of which had been suggested earlier as "solutions" to other problems.

Law enforcement agencies have sufficient laws at their disposal to address this crisis. Among the relevant laws are those outlawing transfers to prohibited persons such as illegal aliens and nonimmigrant aliens, transfers for use in violent and drug trafficking crimes, and illegal exportation of firearms and ammunition. Current and proposed laws that simply affect honest Americans shouldn't be any part of that plan.

To be clear, the National Rifle Association strongly supports the efforts of federal, state and local law enforcement officials to disrupt criminal enterprises, and thousands of our members proudly serve in those agencies. However, the Department of Justice's Inspector General has criticized the BATFE for focusing on investigations of straw purchasers "rather than on higher-level traffickers, smugglers, and the ultimate recipients of the trafficked guns." And more recent national media reports have raised very serious allegations that even while the Inspector General's review was going on, BATFE leaders were undertaking a new approach to the issue—an approach that can only be called wrongheaded, foolish and reportedly deadly.

Their project—known as "Fast and Furious" and apparently conducted over the strong objections of rank and file agents—reportedly allowed over 2,000 firearms to be sold to individuals already linked to Mexican drug cartels. Many of those transactions were reported as suspicious by the licensed firearms dealers themselves, but BATFE reportedly encouraged them to proceed with these sales, which the dealers would otherwise have turned down. Hundreds of those guns have reportedly been traced to criminal activity so far, including two that were discovered at the scene of a shootout that claimed the life of a U.S. Border Patrol agent.

It's tragically ironic that while this plan was apparently unraveling, the BATFE was also seeking White House approval to demand reporting of certain multiple rifle sales. That reporting requirement would flood the agency with even more reports of legal transactions, while likely driving criminal traffickers further underground.

We are clearly at a critical point on this issue. Without aggressive enforcement of existing laws, the situation on the border will continue to deteriorate, claiming the lives of innocent citizens and law enforcement personnel alike. Yet reckless enforcement tactics may already have cost lives, while ineffective regulatory requirements would waste scarce resources and undermine

Americans' Second Amendment rights.

Oversight of these serious problems should not be conducted by the very agencies that reportedly created them. Therefore, we respectfully urge you to use every power at your disposal to review the BATFE's investigative tactics and regulatory proposals with respect to southwest border issues.

The investigation should consider the effectiveness of past BATFE enforcement tactics, as well as the conduct of the "Fast and Furious" operation and the bureau's response to internal criticism of that initiative. Any investigation should also examine the responses by the BATFE and the Department of Justice to earlier congressional inquiries about the "Fast and Furious" program. (In particular, there seems to be good reason to question the Justice Department's statement on February 4 that the BATFE never sanctioned the sale of guns "to a straw purchaser who then transported them into Mexico.")

We greatly appreciate your attention to this issue. If you have any questions, please don't hesitate to contact me personally.

Sincerely,

Chris W. Cox

Executive Director

NRA Institute for Legislative Action

From: Weich, Ron (SMO)

Sent: Wednesday, March 09, 2011 3:24 PM

To: Wilkinson, Monty (OAG); Richardson, Margaret (SMO); Monaco, Lisa (ODAG); Smith, Brad (ODAG); Miller, Matthew A (SMO); Schmalzer, Tracy (SMO); Burton, Faith (SMO); Gaston, Molly (SMO); ATF; ATF; Agrast, Mark D. (SMO)

Subject: development re Gunrunner oversight (incoming Leahy letter) --

In separate letters, Sen. Grassley and the NRA have written to Sen. Leahy demanding SJC hearings on the Gunrunner allegations. I am told that Sen. Leahy will reject the request in light of the OIG review, but at the same time he will write to the AG seeking the status of that review and asking whether Gunrunner is an ongoing law enforcement operation. Leahy intends this to be a friendly letter, but some may read it as Leahy "joining" the oversight activity.

From: Burke, Dennis (USAAZ)
To: Weinstein, Jason (CRM)
Sent: 3/16/2011 10:58:28 AM
Subject: Re: Fast and Furious

I'm writing my own. They can kill it. Fine.

Just went by your office.

From: Weinstein, Jason (CRM)
Sent: Wednesday, March 16, 2011 09:07 AM
To: Burke, Dennis (USAAZ)
Subject: Re: Fast and Furious

Doing what I can on the HJC letter but as you know, many other higher-ranking cooks in this kitchen.

Jason M. Weinstein
Deputy Assistant Attorney General
Criminal Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Office: (202) [REDACTED]
Cell: (202) [REDACTED]

From: Burke, Dennis (USAAZ) [REDACTED]
To: Warlow, Molly; Raman, Mythili
Cc: Weinstein, Jason; Swartz, Bruce; Cunningham, Patrick (USAAZ) [REDACTED]
Sent: Wed Mar 16 08:26:14 2011
Subject: Re: Fast and Furious

All fine. We move on. Thx!

From: Warlow, Molly (CRM)
Sent: Wednesday, March 16, 2011 07:35 AM
To: Burke, Dennis (USAAZ); Raman, Mythili (CRM)
Cc: Weinstein, Jason (CRM); Swartz, Bruce (CRM); Cunningham, Patrick (USAAZ)
Subject: Re: Fast and Furious

Sorry. I should have called pat myself to explain.
Molly

From: Burke, Dennis (USAAZ) <Dennis.Burke@usdoj.gov>
To: Warlow, Molly; Raman, Mythili
Cc: Weinstein, Jason; Swartz, Bruce; Cunningham, Patrick (USAAZ) [REDACTED]
Sent: Tue Mar 15 20:07:50 2011
Subject: Re: Fast and Furious

Fine, but having some unknown cold-call directly to the wrong AUSA abt a matter as sensitive as this and request immediate

assistance, you have to admit, was not OIA' finest moment. You have caused quite a degree of confusion.

From: Warlow, Molly (CRM)
Sent: Tuesday, March 15, 2011 07:47 PM
To: Burke, Dennis (USAAZ); Raman, Mythili (CRM)
Cc: Weinstein, Jason (CRM); Swartz, Bruce (CRM)
Subject: RE: Fast and Furious

It shouldn't have any interplay at all, unless we wanted to (or needed to) invoke that as reason (even if disingenuously so) to shelve the Mexican inquiry. I can see nothing but mischief (and headaches for us) in the Mexicans pursuing this, so I would like to see if there is a way we can turn it off, and the sooner the better. It may be that we can't but I think it's worth at least a conversation or two to see if there is a way we might stop it.

From: Burke, Dennis (USAAZ) [REDACTED]
Sent: Tuesday, March 15, 2011 7:34 PM
To: Raman, Mythili
Cc: Weinstein, Jason; Swartz, Bruce; Warlow, Molly
Subject: Re: Fast and Furious

How does this interplay w the DAG-imposed IG review?

From: Raman, Mythili (CRM)
Sent: Tuesday, March 15, 2011 07:02 PM
To: Burke, Dennis (USAAZ)
Cc: Weinstein, Jason (CRM); Swartz, Bruce (CRM); Warlow, Molly (CRM)
Subject: FW: Fast and Furious

Dennis – We just checked with Molly Warlow, the Director of OIA. (I've included her here.) As she describes it, the Mexicans are making noises that they are opening a criminal investigation of ATF for Fast and Furious and want to send an MLAT in aid of their investigation. OIA is trying to see if they can stop that before it happens, but in order to figure out if we can do that or how, they need more info about the investigation. Sounds like they got incorrect information about who the lead AUSA is, but if you can point us in the right direction, Molly and her folks can start with that person.

From: Burke, Dennis (USAAZ) [REDACTED]
Sent: Tuesday, March 15, 2011 7:00 PM
To: Raman, Mythili
Subject: Fw: Fast and Furious

From: Beasley, John A. (CRM)
Sent: Tuesday, March 15, 2011 06:49 PM
To: Cunningham, Patrick (USAAZ)
Cc: Burke, Dennis (USAAZ); Scheel, Ann (USAAZ); Hernandez, Rachel (USAAZ); Morrissey, Mike (USAAZ)
Subject: RE: Fast and Furious

Pat,
I just reached out to you on your cell. I left a voice mail. Please give me a call on my cell when you have a moment.

Privacy Thanks.

Regards,
JAB

John Armon Beasley, Jr.

Senior Trial Attorney
Criminal Division
Office of International Affairs
1301 New York Avenue, N.W.
Suite 800
Washington, D.C., 20005
Office:202-[REDACTED] (unsecure)
Facsimile:202-[REDACTED] (unsecure)



From: Cunningham, Patrick (USAAZ) [REDACTED]
Sent: Tuesday, March 15, 2011 6:01 PM
To: Beasley, John A.
Cc: Burke, Dennis (USAAZ); Scheel, Ann (USAAZ); Hernandez, Rachel (USAAZ); Morrissey, Mike (USAAZ)
Subject: Fast and Furious

John: I got your earlier voice message you left for Josh Parecki on Fast and Furious. Please reach me on my cell at 602-[REDACTED]. Thanks. PJC

Patrick J. Cunningham

Criminal Division Chief

United States Attorney's Office

Two Renaissance Square

40 North Central Avenue, Suite 1200

Phoenix, AZ 85004

Telephone: 602-[REDACTED]

Cell: 602-[REDACTED]

Fax: 602-[REDACTED]

[REDACTED]

From: [REDACTED] ATF
To: Burton, Faith (SMO); Weich, Ron (SMO)
CC: McDermond, James E. (ATF); Weinstein, Jason (CRM)
Sent: 3/16/2011 6:16:53 PM
Subject: Fw: 3/9 letter from HJC Republicans re: Gunrunner -- Have you all seen this?
Attachments: smith.HJC response.3-15-11.docx

Faith,

This letter looks solid. We would suggest you pull the sentence that notes how many weapons we've recovered. It squares poorly with how many we haven't.

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From: Hoover, William J.
To: [REDACTED] ATF; Thomasson, Scot L.
Sent: Wed Mar 16 17:21:12 2011
Subject: Fw: 3/9 letter from HJC Republicans re: Gunrunner -- Have you all seen this?

Have you guys been working with OLA on this?

Billy

William J. Hoover
Deputy Director
Bureau of Alcohol, Tobacco, Firearms & Explosives
O) 202-[REDACTED]

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From: Weinstein, Jason
To: Hoover, William J.
Sent: Wed Mar 16 16:20:09 2011
Subject: Fw: 3/9 letter from HJC Republicans re: Gunrunner -- Have you all seen this?

Jason M. Weinstein
Deputy Assistant Attorney General
Criminal Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Office: (202) [REDACTED]
Cell: (202) [REDACTED]

From: Weinstein, Jason
To: Burton, Faith (SMO); Burke, Dennis (USAAZ) [REDACTED]
Cc: Gaston, Molly (SMO) [REDACTED]; 'Axelrod, Matthew'; 'Weich, Ron'
[REDACTED]
Sent: Wed Mar 16 15:43:39 2011
Subject: RE: 3/9 letter from HJC Republicans re: Gunrunner -- Have you all seen this?

Here's a first cut at a response to HJC. I weaved the AG's TPs from his testimony into a broader explanation of gun trafficking and the purposes of F&F.

From: Burton, Faith (SMO) [REDACTED]
Sent: Tuesday, March 15, 2011 3:19 PM
To: Weinstein, Jason; Burke, Dennis (USAAZ)
Cc: Gaston, Molly (SMO)
Subject: FW: 3/9 letter from HJC Republicans re: Gunrunner -- Have you all seen this?

From: Colborn, Paul P (SMO)
To: Weich, Ron (SMO)
CC: Bies, John; Burton, Faith (SMO); Krass, Caroline D. (SMO)
Sent: 4/1/2011 9:03:23 AM
Subject: RE: likely Issa subpoena re: Fast + Furious --

Ron, Matt's draft is not a good letter. Much too weak on the open investigation point and suggesting we'll provide a "substantial" number of documents while withholding only "some" relating to the investigation into the death of the agent. Much more likely, it's the reverse: we'll provide only some and withhold a substantial number, and they concern not just the murder investigation but also the longstanding Fast and Furious investigation.

From: Weich, Ron (SMO)
Sent: Thursday, March 31, 2011 11:21 PM
To: Miller, Matthew A (SMO); Burton, Faith (SMO); Monaco, Lisa (ODAG); Colborn, Paul P (SMO); Greenfeld, Helaine (SMO); Richardson, Margaret (SMO); Weiner, Robert (ODAG); Goldberg, Stuart (ODAG)
Subject: RE: likely Issa subpoena re: Fast + Furious --

Sorry to jump in late. I have looked at Matt's proposed language for our letter / press statement, and it seems like the right tone and message. As for which format, I'm torn. On the one hand I don't see why a letter is much preferable to a press statement in this situation, but I defer to Matt's expertise in media strategy. On the other hand I don't see why a short initial non-substantive letter hurts us, but I defer to Faith and Paul's expertise in managing oversight requests. Given the expertise on both sides of the question, my instinct to proceed more cautiously and therefore issue a statement rather than send a letter. But I am open to further discussion, so let's meet in the AM.

From: Miller, Matthew A (SMO)
Sent: Thursday, March 31, 2011 7:59 PM
To: Burton, Faith (SMO); Monaco, Lisa (ODAG); Weich, Ron (SMO); Colborn, Paul P (SMO); Greenfeld, Helaine (SMO); Richardson, Margaret (SMO); Weiner, Robert (ODAG); Goldberg, Stuart (ODAG)
Subject: Re: likely Issa subpoena re: Fast + Furious --

Fair points. How about this: since the letter would be essentially the same as a press statement, I'll write it and circulate. We'll have to come to rest on the language anyway whether it goes in a letter or statement. Let's try to get agreement as early as possible on the language tomorrow and then we can make the call on what format it goes in.

From: Burton, Faith (SMO)
Sent: Thursday, March 31, 2011 07:54 PM
To: Miller, Matthew A (SMO); Monaco, Lisa (ODAG); Weich, Ron (SMO); Colborn, Paul P (SMO); Greenfeld, Helaine (SMO); Richardson, Margaret (SMO); Weiner, Robert (ODAG); Goldberg, Stuart (ODAG)
Subject: RE: likely Issa subpoena re: Fast + Furious --

The downside is that we aren't yet ready to engage directly with him and since we have not yet received the subpoena, trying to get a letter out tomorrow puts a lot of pressure on ourselves that seems unnecessary and risks the pitfalls of hurry. If we can do it, that's fine, but we need to think this through carefully and I'm not sure we can do that so quickly.

From: Miller, Matthew A (SMO)
Sent: Thursday, March 31, 2011 7:44 PM
To: Monaco, Lisa (ODAG); Burton, Faith (SMO); Weich, Ron (SMO); Colborn, Paul P (SMO); Greenfeld, Helaine (SMO); Richardson, Margaret (SMO); Weiner, Robert (ODAG); Goldberg, Stuart (ODAG)
Subject: Re: likely Issa subpoena re: Fast + Furious --

A statement is a good backup, but a letter would be more productive with the press -- they will see it as directly engaging with Issa versus indirectly with them. If there are risks to a letter that outweigh the benefit gained in the press, then we should weigh those against the upside and make a judgment call. But if there is no appreciable downside (and

given that he is already sending us a subpoena I don't know what it would be), then I don't see why we wouldn't do the short letter. It's essentially a press statement in letter form to get more bang.

We could of course reiterate the points in the full letter next week.

Maybe we should meet first thing tomorrow and discuss?

From: Monaco, Lisa (ODAG)

Sent: Thursday, March 31, 2011 07:38 PM

To: Miller, Matthew A (SMO); Burton, Faith (SMO); Weich, Ron (SMO); Colborn, Paul P (SMO); Greenfeld, Helaine (SMO); Richardson, Margaret (SMO); Weiner, Robert (ODAG); Goldberg, Stuart (ODAG)

Subject: RE: likely Issa subpoena re: Fast + Furious --

Why not do some form of statement below tomorrow once we get the subpoena (along the lines discussed below) and then use the letter back w/ docs to formalize/reiterate the theme of disappointment.

From: Miller, Matthew A (SMO)

Sent: Thursday, March 31, 2011 7:21 PM

To: Burton, Faith (SMO); Monaco, Lisa (ODAG); Weich, Ron (SMO); Colborn, Paul P (SMO); Greenfeld, Helaine (SMO); Richardson, Margaret (SMO); Weiner, Robert (ODAG); Goldberg, Stuart (ODAG)

Subject: Re: likely Issa subpoena re: Fast + Furious --

What's the harm in sending a letter along these lines tomorrow? It would be more effective with the press than a statement would be, and are we really going to aggravate the committee more than they already are? They're sending us a subpoena already.

From: Burton, Faith (SMO)

Sent: Thursday, March 31, 2011 07:12 PM

To: Miller, Matthew A (SMO); Monaco, Lisa (ODAG); Weich, Ron (SMO); Colborn, Paul P (SMO); Greenfeld, Helaine (SMO); Richardson, Margaret (SMO); Weiner, Robert (ODAG); Goldberg, Stuart (ODAG)

Subject: RE: likely Issa subpoena re: Fast + Furious --

Seems like it would be preferable to await the subpoena and send our response as planned, with docs, early next week. Understand your interest in being in a position to respond to any press inquiries you may receive on a Friday afternoon about this, but we can work with you on a statement along the lines you suggest below. We just need it to be precisely consistent with our statements to Issa staff today. Our letter can reiterate our disappointment, but to be fair, staff have given us a heads up – so we aren't going to be surprised and they clearly want to work with us – they've just got a chairman who wants to issue a subpoena. We really can't quantify the docs yet because we haven't reviewed them; hopefully, we have more info soon, but our instincts are to stay a calm course now.

From: Miller, Matthew A (SMO)

Sent: Thursday, March 31, 2011 7:02 PM

To: Burton, Faith (SMO); Monaco, Lisa (ODAG); Weich, Ron (SMO); Colborn, Paul P (SMO); Greenfeld, Helaine (SMO); Richardson, Margaret (SMO); Weiner, Robert (ODAG); Goldberg, Stuart (ODAG)

Subject: Re: likely Issa subpoena re: Fast + Furious --

Ok: "a substantial number" then or something like that.

From: Burton, Faith (SMO)

Sent: Thursday, March 31, 2011 07:00 PM

To: Miller, Matthew A (SMO); Monaco, Lisa (ODAG); Weich, Ron (SMO); Colborn, Paul P (SMO); Greenfeld, Helaine (SMO); Richardson, Margaret (SMO); Weiner, Robert (ODAG); Goldberg, Stuart (ODAG)

Subject: RE: likely Issa subpoena re: Fast + Furious --

Pls note – we did not promise to provide most of the docs.

From: Miller, Matthew A (SMO)
Sent: Thursday, March 31, 2011 6:53 PM
To: Burton, Faith (SMO); Monaco, Lisa (ODAG); Weich, Ron (SMO); Colborn, Paul P (SMO); Greenfeld, Helaine (SMO); Richardson, Margaret (SMO); Weiner, Robert (ODAG); Goldberg, Stuart (ODAG)
Subject: Re: likely Issa subpoena re: Fast + Furious --

Should we get a letter ready to send immediately tomorrow after he announces them saying:
We are surprised and disappointed to receive this subpoena. We were having productive conversations with your staff and as you are aware, had promised to provide most of the documents by next week before you cut off negotiations and instead issued this subpoena. We'll continue to work productively with the committee in a way that does not compromise our ongoing criminal investigation.

I think we need to be ready to respond immediately to show we were acting in good faith here and he is not.

From: Burton, Faith (SMO)
Sent: Thursday, March 31, 2011 06:46 PM
To: Monaco, Lisa (ODAG); Weich, Ron (SMO); Colborn, Paul P (SMO); Greenfeld, Helaine (SMO); Richardson, Margaret (SMO); Miller, Matthew A (SMO); Weiner, Robert (ODAG); Goldberg, Stuart (ODAG)
Subject: RE: likely Issa subpoena re: Fast + Furious --

We met for about 2 hours today with ATF, USAO by phone, Rob and Paul in a meeting that Matt convened and made good progress in identifying a) materials we could likely produce in fairly short order; b) information we can add to our letter that would be responsive to items in his letter; and 3) requested information and docs that go to the heart of the criminal investigations (F & F plus Terry shooting).

Molly and I then spoke at length with Issa staff after that (and per agreement in our meeting), explained that we expected we can send a written response to their letter with documents within a week, noting that the requests for documents relating to the pending criminal investigations will be very difficult. Basically, I said that while we it's unlikely we'd be in a position to give them everything they requested, we would give them everything that we could and would work with them to find ways to accommodate their information needs if at all possible. The conversation went well, ended on a positive note and they did not bring up a subpoena at all.

Thirty minutes later, they called to say that the Chairman was leaning toward a subpoena, but they couldn't provide any info about when or why.

Think that we should proceed to enrich our letter to the extent that we can based upon today's internal meeting. We can revise the letter slightly also to reflect the info we provided today to the staff, but it seems like Issa has made a decision notwithstanding his staff's recommendation. I don't think that any letter would have changed the Chairman's apparent decision – He had already announced generally that he was going to issue subpoenas.

From: Monaco, Lisa (ODAG)
Sent: Thursday, March 31, 2011 6:17 PM
To: Weich, Ron (SMO); Burton, Faith (SMO); Colborn, Paul P (SMO); Greenfeld, Helaine (SMO); Richardson, Margaret (SMO); Miller, Matthew A (SMO); Weiner, Robert (ODAG); Goldberg, Stuart (ODAG)
Subject: Re: likely Issa subpoena re: Fast + Furious --

Adding stuart g - what's the status of the response to issa that had been discussed to try to buy time?

From: Weich, Ron (SMO)
Sent: Thursday, March 31, 2011 06:14 PM
To: Burton, Faith (SMO); Colborn, Paul P (SMO); Greenfeld, Helaine (SMO); Monaco, Lisa (ODAG); Richardson, Margaret (SMO); Miller, Matthew A (SMO); Weiner, Robert (ODAG)
Subject: likely Issa subpoena re: Fast + Furious --

heads-up that we now believe this could come tomorrow.

From: Grindler, Gary (OAG)
To: **Attorney General**
Sent: 5/3/2011 7:28:13 PM
Subject: FW: Statement

Sorry to bother you with this. This is becoming quite a disagreement. Do you want to talk (very sorry to take this to you_.)

From: Miller, Matthew A (SMO)
Sent: Tuesday, May 03, 2011 7:27 PM
To: Breuer, Lanny A. (CRM)
Cc: Schmaler, Tracy (SMO); Grindler, Gary (OAG)
Subject: RE: Statement

I think people will accuse us of playing with semantics when we say that you did not authorize Fast and Furious, but they find out that CRM did authorize wiretaps. That's why I find the statement problematic and recommended against it, and why I don't want OPA to say it.

From: Breuer, Lanny A. (CRM)
Sent: Tuesday, May 03, 2011 7:23 PM
To: Miller, Matthew A (SMO)
Cc: Schmaler, Tracy (SMO); Grindler, Gary (OAG)
Subject: RE: Statement

I agree that we don't need to say anything if the paper does not come back to us. But frankly if we do give a statement, I do not understand why the statement should come from me. I don't think that is appropriate and not what we ordinarily do. I spend an extraordinary amount of time on Mexico for this Department. I have never said no to any request made of me. I do not authorize ATF investigations and the Department knows that. Moreover, it is to the Department's benefit to make clear that the AAG for Criminal, who plays a major role on Mexico matters, did not authorize Fast and Furious.

From: Miller, Matthew A (SMO) [REDACTED]
Sent: Tuesday, May 03, 2011 7:17 PM
To: Breuer, Lanny A.
Cc: Schmaler, Tracy (SMO); Grindler, Gary (OAG) (SMO)
Subject: Statement

Lanny-- I continue to think it's a bad idea for us to say something about this issue on the record other than the affirmative statement we have already given saying who did authorize it. If we say this with respect to you, we will have to answer similar questions with a host of other Department officials. I also think it's very unlikely that Evan comes back to us and pushes for anything about you on the record tonight, given that it's 7:15 and he has not done so yet.

That said, if he does come back to us I am comfortable with giving him something attributed to you. How about:

"The Assistant Attorney General of the Criminal Division does not authorize ATF operations, and I did not do so in Fast and Furious." -- Lanny Breuer

Matthew Miller
Director, Office of Public Affairs
United States Department of Justice
202 [REDACTED] (office)
[REDACTED]

From: Schmaler, Tracy (SMO)
To: Axelrod, Matthew (ODAG); Miller, Matthew A (SMO); Wilkinson, Monty (OAG); Richardson, Margaret (SMO); Monaco, Lisa (ODAG)
Sent: 5/3/2011 8:09:42 PM
Subject: RE: response re: Issa exchange

All for definitive, and it has upside of taking this theory - which has been brewing for weeks thanks to former attaché allegations -- off the table. Just so long as everyone is aware that if/when we get q's about CRM approving aspects of the operation (x # of wiretaps) we run the risk of seeming disingenuous to some who will not take our explanation that aspects of the operation are not the same as authorizing the operation.

-----Original Message-----

From: Axelrod, Matthew (ODAG)
Sent: Tuesday, May 03, 2011 3:50 PM
To: Schmaler, Tracy (SMO); Miller, Matthew A (SMO); Wilkinson, Monty (OAG); Richardson, Margaret (SMO); Monaco, Lisa (ODAG)
Subject: RE: response re: Issa exchange

I think that unless we give an unqualified denial (which happens to be true, by the way), we will only fan the allegations. Seems to me that Lanny is in a different category given the specificity of the allegations in the prior CBS News piece. My vote is to go with something along the lines of what CRM has proposed:

The Assistant Attorney General of the Criminal Division does not authorize ATF operations, and did not do so in Fast and Furious.

-----Original Message-----

From: Schmaler, Tracy (SMO)
Sent: Tuesday, May 03, 2011 3:45 PM
To: Miller, Matthew A (SMO); Axelrod, Matthew (ODAG); Wilkinson, Monty (OAG); Richardson, Margaret (SMO); Monaco, Lisa (ODAG)
Subject: RE: response re: Issa exchange

We can certainly point to that language in letter but the pointed q is about Lanny and anyone else at Dept.

-----Original Message-----

From: Miller, Matthew A (SMO)
Sent: Tuesday, May 03, 2011 3:41 PM
To: Schmaler, Tracy (SMO); Axelrod, Matthew (ODAG); Wilkinson, Monty (OAG); Richardson, Margaret (SMO); Monaco, Lisa (ODAG)
Subject: Re: response re: Issa exchange

Instead of answering it this way and opening the door to having to answer this question with respect to every official, why not instead point to the letter where we said it was authorized by atf and burke?

----- Original Message -----

From: Schmaler, Tracy (SMO)
Sent: Tuesday, May 03, 2011 03:38 PM
To: Axelrod, Matthew (ODAG); Wilkinson, Monty (OAG); Richardson, Margaret (SMO); Miller, Matthew A (SMO); Monaco, Lisa (ODAG)
Subject: response re: Issa exchange

We're getting follow up on the Issa-AG exchange today, specifically regarding the Lanny role question. Given the org chart of the Dept makes clear that the LE components don't report to CRM, what about the following as a response to media? (didn't tie it specifically to F&F given the ongoing IG investigation and the fact that some aspects of the operation (wire taps) were signed off by CRM and some could view a denial of any role in f&f as being disingenuous.)

As a general matter, the Assistant Attorney General for the Criminal Division does not authorize ATF operations.

From: Attorney General
To: Cole, James (SMO)
Sent: 5/4/2011 4:00:31 PM
Subject: RE: Google Alert - Lanny Breuer

A minor detail

From: Cole, James (SMO)
Sent: Wednesday, May 04, 2011 1:58 PM
To: Attorney General Raman, Mythili (CRM); Breuer, Lanny A. (CRM); Grindler, Gary (OAG); Monaco, Lisa (ODAG); Goldberg, Stuart (ODAG)
Subject: RE: Google Alert - Lanny Breuer

Again, I'm happy to look at proposed language, but the article does not say Lanny approved the investigation.

Jim

From: Attorney General
Sent: Wednesday, May 04, 2011 1:52 PM
To: Raman, Mythili (CRM); Cole, James (SMO); Breuer, Lanny A. (CRM); Grindler, Gary (OAG); Monaco, Lisa (ODAG); Goldberg, Stuart (ODAG)
Subject: RE: Google Alert - Lanny Breuer

Ok- but everyone get ready- this isn't about facts

From: Raman, Mythili (CRM)
Sent: Wednesday, May 04, 2011 1:46 PM
To: Cole, James (SMO); Attorney General Breuer, Lanny A. (CRM); Grindler, Gary (OAG); Monaco, Lisa (ODAG); Goldberg, Stuart (ODAG)
Subject: RE: Google Alert - Lanny Breuer

This is not just about Lanny or any one person. Our DAAGs (Bruce, Jason, Mary Pat, Ken and Greg) sign 60 wiretap applications a week in all kinds of case – public corruption, white collar, narcotics and gangs -- and if we don't start correcting the narrative that CRM therefore "approves" each of those investigations, then we as a Department and Division are really in trouble. CRM doesn't approve those investigations any more than does the district judge who signs off on the application and the suggestion that by approving the filing of a wiretap application, we therefore approved the walking of guns into Mexico is harmful not just to the Division, but the Department.

Ironically, months ago, when a US Attorney from another district DID solicit CRM's position on whether a load of guns should be part of a controlled delivery to Mexico, it was Lanny who definitively and forcefully told the US Attorney NOT to let that happen.

From: Cole, James (SMO) James Cole
Sent: Wednesday, May 04, 2011 1:40 PM
To: Attorney General Breuer, Lanny A.; Grindler, Gary (OAG) (SMO); Monaco, Lisa (ODAG) (SMO); Goldberg, Stuart (ODAG) (SMO); Raman, Mythili
Subject: RE: Google Alert - Lanny Breuer

While I know that this stings, there are two places in the article that make it clear that just because you signed the TIII doesn't mean that you knew any details about the investigation. There is a chance that any response may look too defensive in light of that limitation and raise the stakes. I doubt we could say anything more than is already in the article about how your role is limited in T III signings. I am happy to see what the possible responses are, but I think we need to be careful not to make it worse with whatever we do.

Jim

From: Attorney General

Sent: Wednesday, May 04, 2011 1:32 PM

To: Breuer, Lanny A. (CRM); Grindler, Gary (OAG); Cole, James (SMO); Monaco, Lisa (ODAG); Goldberg, Stuart (ODAG); Raman, Mythili (CRM)

Subject: RE: Google Alert - Lanny Breuer

Understand Matt is coming to see you shortly- may be a basis to say what you want

Warning- that will not kill this

From: Breuer, Lanny A. (CRM)

Sent: Wednesday, May 04, 2011 1:27 PM

To: Attorney General Grindler, Gary (OAG); Cole, James (SMO); Monaco, Lisa (ODAG); Goldberg, Stuart (ODAG); Raman, Mythili (CRM)

Subject: RE: Google Alert - Lanny Breuer

Seems pretty bad to me right now. The story is incorrect. I did not authorize this operation. I don't know why we can't say that.

From: Attorney General

Sent: Wednesday, May 04, 2011 1:21 PM

To: Breuer, Lanny A.; Grindler, Gary (OAG) (SMO); Cole, James (SMO); Monaco, Lisa (ODAG) (SMO); Goldberg, Stuart (ODAG) (SMO); Raman, Mythili

Subject: RE: Google Alert - Lanny Breuer

If we go out with something do we make it worse?

From: Breuer, Lanny A. (CRM)

Sent: Wednesday, May 04, 2011 1:19 PM

To: Attorney General Grindler, Gary (OAG); Cole, James (SMO); Monaco, Lisa (ODAG); Goldberg, Stuart (ODAG); Raman, Mythili (CRM)

Subject: FW: Google Alert - Lanny Breuer

I did not authorize Fast & Furious. I would hope we as a Department would explain the role of CRM and the role we play with Title IIIs and wiretaps. In the same way that CRM does not authorize every operation in America that has a Title III, we did not authorize and I did not authorize this. I would hope we could have an effective and robust response.

From: Raman, Mythili

Sent: Wednesday, May 04, 2011 1:15 PM

To: Breuer, Lanny A.

Subject: FW: Google Alert - Lanny Breuer

From: Google Alerts [mailto:googlealerts-noreply@google.com]

Sent: Wednesday, May 04, 2011 1:05 PM

To: Raman, Mythili

Subject: Google Alert - Lanny Breuer

News

1 new result for Lanny Breuer

Lawmakers Step Up Probe of Gun Trafficking Operation

Wall Street Journal

Lanny Breuer, assistant attorney general for the Justice Department's ... The March 2010 Justice Department wiretap approval came from **Lanny Breuer**, ...

This as-it-happens Google Alert is brought to you by Google.

Remove this alert.

Create another alert.

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From: Burton, Faith (SMO)
To: Weich, Ron (SMO)
Sent: 6/18/2011 11:28:24 AM
Subject: Re: I understand ...

Thanks.

From: Weich, Ron (SMO)
Sent: Friday, June 17, 2011 11:45 PM
To: Burton, Faith (SMO); Axelrod, Matthew (ODAG); Colborn, Paul P (SMO); Gaston, Molly (SMO); Reich, Steven (ODAG)
Subject: FW: I understand ...

FYI

From: Monaco, Lisa (ODAG)
Sent: Wednesday, June 15, 2011 2:57 PM
To: Caproni, Valerie E. (FBI); Kelly, Stephen (FBI); Weich, Ron (SMO)
Subject: Re: I understand ...

I have spoken with folks here on this and think for now we will not be providing this

From: Caproni, Valerie E. (FBI)
Sent: Wednesday, June 15, 2011 02:00 PM
To: Kelly, Stephen (FBI); Monaco, Lisa (ODAG); Weich, Ron (SMO)
Subject: Re: I understand ...

I agree.

From: Kelly, Stephen
To: Monaco, Lisa (ODAG) (JMD); Weich, Ron (SMO) (JMD)
Cc: Caproni, Valerie E.
Sent: Wed Jun 15 13:44:15 2011
Subject: I understand ...

... that we are deferring to you all on whether to provide a couple lab reports to Issa in the ATF matter. I do, however, want the decision makers on this to realize that, while we defer to DoJ and the prosecutors on this, in my view, this is a very bad idea. This will become precedent for Sen. Grassley's office to seek actual documents from DoJ and the FBI in pending criminal investigations, and there's a better than 50/50 chance that Sen. Grassley will become Chairman of the Judiciary Committee in the next cycle. If the documents are provided here, we can expect to see specific requests to DoJ and the FBI for documents in pending criminal investigations as a routine matter from Committee chairs, potentially including Sen. Grassley. I understand that the information in the reports may have been leaked to the press, but that does not alleviate our need to protect the integrity of the investigation, and that includes the actual lab reports analyzing evidence. Can't we find some other way to provide this information to the Committee short of providing the lab reports?

- Stephen

Stephen D. Kelly
Assistant Director
Office of Congressional Affairs
Federal Bureau of Investigation
(202) [REDACTED]

From: Goldberg, Stuart (ODAG)
To: Axelrod, Matthew (ODAG)
Sent: 6/23/2011 2:26:18 AM
Subject: Re: f and f question

I am shocked.

From: Axelrod, Matthew (ODAG)
Sent: Wednesday, June 22, 2011 10:08 PM
To: Cole, James (SMO); Monaco, Lisa (ODAG); Goldberg, Stuart (ODAG)
Subject: Re: f and f question

I just heard from ATF. Their initial reporting on this was incorrect.

Evidently, when MX law enforcement arrested the kidnappers at their hideout, they seized a number of firearms, two of which tie back to Fast and Furious. I'll double check Issa's letter in the morning, but it appears that the allegations in it (and in the Fox News report) are accurate.

From: Axelrod, Matthew (ODAG)
Sent: Wednesday, June 22, 2011 07:28 PM
To: Cole, James (SMO); Monaco, Lisa (ODAG); Goldberg, Stuart (ODAG)
Subject: FW: f and f question

Here is the latest from ATF on the MX kidnapping/murder. The bottom line is that I think we need to hear more from ATF before this is shared with anyone. ATF's initial report (at the bottom of the chain) was that although two Fast and Furious guns were recovered, there was no direct link between the guns and the kidnapping/murder. Just two indirect links: (1) the men who the guns were seized from were arrested in the same neighborhood where the kidnapping took place (but three weeks after the kidnapping); and (2) one of the men stated in a post-arrest interview that he knew where the murder victim's body was buried.

I have since asked ATF to run down the accuracy of one of the details in the Fox News story cited in Chairman Issa's letter – namely that Fast and Furious guns were seized during a raid on the kidnappers' compound. ATF folks in MX will pull the reports in the morning. Until that happens, we won't know how accurate/inaccurate the report is.

From: **ATF** (ATF)
Sent: Wednesday, June 22, 2011 7:12 PM
To: Axelrod, Matthew (ODAG); Schmalzer, Tracy (SMO)
Cc: Reich, Steven (ODAG)
Subject: Re: f and f question

Matt:

In order to be sure of the facts my guys are going to SEDENA to pull the reports in the morning. We cannot get them tonight. We know the raid on the compound was a planned police action based on information that it was involved in the kidnap / torture. I cannot tell you now if any guns were recovered from the compound. I cannot tell you now if the car stop and raid on the compound are the same or simultaneous event(s) or if they were separated by time, geography, etc. I do not know if the car stop and post arrest statement from one of the defendants that he knew where the dead body was also provided the intel that led to the assault on the compound but I suspect that will turn out to be the case.

I am told that the State AG in Mx is to be indicted soon for her role with the cartels. I am also told that those responsible for the kidnapping are possibly associated with the plaza boss of interest in FF. I asked for details on why they think this is the case and was told that is a SCIF conversation.

If you need more tonight let me know. Otherwise I hope to have details by late morning.

ATF

ATF Office of the Director

O: 202- [REDACTED] **ATF**

Privacy, ATF

From: Axelrod, Matthew (ODAG)

To: Schmaler, Tracy (SMO) (JMD); [REDACTED]

ATF

Cc: Reich, Steven (ODAG) (JMD)

Sent: Wed Jun 22 18:50:38 2011

Subject: RE: f and f question

Actually, I do need it tonight if you can swing it. Late tonight is fine.

From: Axelrod, Matthew (ODAG)

Sent: Wednesday, June 22, 2011 4:54 PM

To: Schmaler, Tracy (SMO); [REDACTED]

ATF

(ATF)

Cc: Reich, Steven (ODAG)

Subject: RE: f and f question

Later tonight is fine for me. If that's not possible, tomorrow morning works too. Thanks, [REDACTED]

From: Schmaler, Tracy (SMO)

Sent: Wednesday, June 22, 2011 4:46 PM

To: [REDACTED] (ATF); Axelrod, Matthew (ODAG)

Cc: Reich, Steven (ODAG)

Subject: RE: f and f question

My question doesn't need to be answered today.

From: [REDACTED] (ATF)

Sent: Wednesday, June 22, 2011 4:44 PM

To: Schmaler, Tracy (SMO); Axelrod, Matthew (ODAG)

Cc: Reich, Steven (ODAG)

Subject: RE: f and f question

I have our crew in Mexico chasing responses to your questions. It will be later tonight before I have answers. Is this critically time sensitive?

ATF

Office of the Director

O: 202- [REDACTED] **ATF**

Privacy, ATF

From: Schmaler, Tracy (SMO) [mailto:Tracy.Schmaler@usdoj.gov]

Sent: Wednesday, June 22, 2011 3:17 PM

To: Axelrod, Matthew (ODAG) (JMD); [REDACTED]

ATF

Cc: Reich, Steven (ODAG) (JMD)

Subject: RE: f and f question

Were the arrests related to the kidnapping or was it just a geographical coincidence?

From: Axelrod, Matthew (ODAG)

Sent: Wednesday, June 22, 2011 3:09 PM

To: [REDACTED] (ATF)
Cc: Schmaler, Tracy (SMO); Reich, Steven (ODAG)
Subject: FW: f and f question

ATF

One follow up question. Here is the relevant sentence from the Fox News article: "Gonzalez's body was found last November in a shallow grave outside the city after armed federal police forces raided the kidnappers' compound. Mexican officials arrested the suspects and confiscated the guns." <http://www.foxnews.com/politics/2011/06/17/two-ak47s-used-to-murder-mexican-lawyer-were-fast-and-furious-guns-sources-say/>. Your description below mentions a seizure of guns from guys in cars. Separate and apart from that seizure, was there another seizure of guns from the kidnappers' compound? If so, did any of those guns trace back to Fast and Furious? Thanks.

Matt

From: [REDACTED] (ATF)
Sent: Friday, June 17, 2011 6:56 PM
To: Axelrod, Matthew (ODAG)
Cc: Schmaler, Tracy (SMO); Reich, Steven (ODAG)
Subject: Re: f and f question

No. He was kidnapped in october. ~~Some three weeks later police pull over 6 car loads of guys in the same neighborhood.~~ 8 are arrested. 16 guns are recovered.

[REDACTED] ATF

[REDACTED] ATF

Guns recovered 11/4/10. Guns traced May 2011. [REDACTED] ATF No forensics on any of the guns we know of

For fox to suggest the guns are linked is like saying there was a murder in southeast three weeks ago. Tonight a car load of guys get caught with guns in southeast. Ergo the guns are linked to the murder.

[REDACTED] ATF

ATF Office of the Director

O: 202- [REDACTED] ATF

Privacy, ATF

From: Axelrod, Matthew (ODAG)
To: [REDACTED] ATF
Cc: Schmaler, Tracy (SMO) (JMD); Reich, Steven (ODAG) (JMD)
Sent: Fri Jun 17 17:33:02 2011
Subject: FW: f and f question

Were two F&F guns actually traced to the scene of this kidnapping? Can you run that down for us?

From: Lajeunesse, William [REDACTED]
Sent: Friday, June 17, 2011 3:48 PM
To: Schmaler, Tracy (SMO)
Cc: Benham, Janelle; Lajeunesse, William
Subject: tracy question

We have learned that 2 Fast and Furious guns have been traced to the scene of the kidnapping of the brother of the now former Attorney General of Chihuahua, the state where Juarez is located.

Mario Gonzales Rodriguez, a lawyer, was kidnapped in October 2010 and was killed in February of this year by a drug cartel. Videos of his torture were posted on U-Tube.

This received heavy publicity in Mexico – not just because he was a family member of a top law enforcement officer – but because of claims he made in the video that his sister while a state AG, protected the Juarez cartel.

While we know from testimony that many US guns from this operation did make it to Mexico, does the Department have any comment to the victims in Mexico of these guns and to the people of Mexico who were interested in this case.

From: Burton, Faith (SMO)
To: Schmaler, Tracy (SMO)
CC: Reich, Steven (ODAG); Colborn, Paul P (SMO); Weich, Ron (SMO)
Sent: 7/6/2011 3:02:43 PM
Subject: RE: Draft Issa and Grassley response letter: privileged and confidential
Attachments: Issa 76 redline.doc

Tracy, I'd stay away from a representation that we'll fully cooperate in the future - because we don't know where this will go and the important point is that we'll accommodate their legitimate info needs. Here's my tweak.

-----Original Message-----

From: Schmaler, Tracy (SMO)
Sent: Wednesday, July 06, 2011 2:36 PM
To: Reich, Steven (ODAG); Goldberg, Stuart (ODAG); Grindler, Gary (OAG); Richardson, Margaret (SMO); Axelrod, Matthew (ODAG); Weich, Ron (SMO); Burton, Faith (SMO); Miller, Matthew A (SMO)
Subject: RE: Draft Issa and Grassley response letter: privileged and confidential

My edits tracked in the attached.

-----Original Message-----

From: Reich, Steven (ODAG)
Sent: Wednesday, July 06, 2011 2:09 PM
To: Goldberg, Stuart (ODAG); Grindler, Gary (OAG); Richardson, Margaret (SMO); Schmaler, Tracy (SMO); Axelrod, Matthew (ODAG); Weich, Ron (SMO); Burton, Faith (SMO)
Subject: Draft Issa and Grassley response letter: privileged and confidential

This needs to go out asap. Comments pls and I will try to harmonize as best I can.

Steve Reich

From:
Sent:
Subject:



Chris,

Thanks for sending this over. This version wades further than the last version into details and conclusions about Fast and Furious, which strikes us as unwise given the evolving nature of what we're all still learning about the underlying facts and the risk that what you say will be twisted and taken out of context by agency critics. Our recommendation is that any communication of this sort be kept high level -- this has been a distraction, ATF is cooperating with the investigation, and ATF is doing lots of great work in other areas. The last version that was sent over was much closer to this type of high level message than this version is.

Matt

Matthew S. Axelrod
Associate Deputy Attorney General
Office of the Deputy Attorney General
U.S. Department of Justice
Desk (202) [REDACTED]
Cell (202) [REDACTED]

From: Cole, James (ODAG)
To: Attorney General
CC: Goldberg, Stuart (ODAG); Schmaler, Tracy (SMO); Grindler, Gary (OAG); O'Neil, David (ODAG); Delery, Stuart F. (OAG)
Sent: 8/28/2011 4:24:06 PM
Subject: Re: Change of position

Further proof of the need for a change.

Jim

On Aug 28, 2011, at 4:09 PM, Attorney General wrote:

Did Jim say it in Spanish?

From: Goldberg, Stuart (ODAG)
Sent: Sunday, August 28, 2011 04:08 PM
To: Schmaler, Tracy (SMO); Grindler, Gary (OAG); O'Neil, David (ODAG); Attorney General; Cole, James (ODAG); Delery, Stuart F. (OAG)
Subject: Re: Change of position

Just for clarity-- the DAG did tell him the change would be announced Tuesday.

From: Schmaler, Tracy (SMO)
Sent: Sunday, August 28, 2011 04:04 PM
To: Grindler, Gary (OAG); Goldberg, Stuart (ODAG); O'Neil, David (ODAG); Attorney General; Cole, James (ODAG); Delery, Stuart F. (OAG)
Subject: RE: Change of position

Just spoke to him – he knows to slow things down and wait for any edits to the statement. He was under assumption this was happening tomorrow.

He's let 3 of his senior staff know and left a note for his secretary. His door is closed and he's going to have Hoover (1 of the 3) tell his secretary to keep it closed and not tell anyone. There's a chance he can come back late tomorrow so he can tell staff personally Tuesday, Unrelated He's going to call back later tonight w/ word. If not, he won't be back until late Tuesday so he'll plan to do a conference call w. his AD's Tuesday morning some time and we'll coordinate the releases after that.

My bet is this leaks tomorrow.

From: Grindler, Gary (OAG)
Sent: Sunday, August 28, 2011 1:09 PM
To: Goldberg, Stuart (ODAG); O'Neil, David (ODAG); Attorney General; Cole, James (ODAG); Schmaler, Tracy (SMO); Delery, Stuart F. (OAG)
Subject: Re: Change of position

Agree, we need to slow him down.

From: Goldberg, Stuart (ODAG)
Sent: Sunday, August 28, 2011 01:08 PM
To: O'Neil, David (ODAG); **Attorney General**; Cole, James (ODAG); Schmalzer, Tracy (SMO); Grindler, Gary (OAG); Delery, Stuart F. (OAG)
Subject: Re: Change of position

Perhaps as an initial matter, Tracy should email him and say she has the statement and is reviewing it. I note he calls it a draft press release.

From: O'Neil, David (ODAG)
Sent: Sunday, August 28, 2011 12:51 PM
To: Goldberg, Stuart (ODAG); **Attorney General**; Cole, James (ODAG); Schmalzer, Tracy (SMO); Grindler, Gary (OAG); Delery, Stuart F. (OAG)
Subject: Re: Change of position

So we should loop Ron and Steve into circulation of draft statements. Also, Ken's message below reads like he may think he's giving us a heads-up on the message he plans to send Monday as opposed to asking for clearance. If we haven't made clear to him that we want to approve/coordinate any messaging about this, we probably should just say that OPA is going to revise the first draft he shared and we'll get back to him with a new one.

From: Goldberg, Stuart (ODAG)
Sent: Sunday, August 28, 2011 12:32 PM
To: **Attorney General** (OAG); Cole, James (ODAG); Schmalzer, Tracy (SMO); O'Neil, David (ODAG); Grindler, Gary (OAG); Delery, Stuart F. (OAG)
Subject: Fw: Change of position

Fyi. I also want to flag that Ken says he has cleaned out his office. That will create a buzz at ATF if it is apparent and I am guessing Ken notified a bunch of people directly about his departure especially since he will not be around most of Monday and Tuesday. So we will have to be lined up to respond to the press and the Hill.

From: Melson, Kenneth E. (ATF)
Sent: Sunday, August 28, 2011 12:16 PM
To: Goldberg, Stuart (ODAG)
Subject: Re: Change of position

Thanks. I meant OLP. **Unrelated**
Ken

----- Original Message -----
From: Goldberg, Stuart (ODAG) <Stuart.Goldberg@usdoj.gov>
To: Melson, Kenneth E.
Sent: Sun Aug 28 11:07:25 2011

Subject: Re: Change of position

Ken - thanks for the email. A couple of things. It looks like your email was sent to a James Cole at BOP instead of the DAG I will forward it to him but you may want recall your other message. I will also send your draft onto OPA. Also I see your email references OLA -- do you mean OLP?

Unrelated

----- Original Message -----

From: Melson, Kenneth E. (ATF)
Sent: Sunday, August 28, 2011 10:28 AM
To: Cole, James (BOP); Goldberg, Stuart (ODAG)
Subject: Change of position

The previous email was sent before the message was added. Still getting used to the iPad. The prior email contains a draft press release for Monday that I would like to issue from ATF. Stuart, could you pass it on to OPA? I have my office cleared out. I may not be back until late Tuesday afternoon in time for the class at 6.

Unrelated

Unrelated

I may

I will need to know to whom to report to in OLA on Wednesday.

Thanks. Ken

Sent with Good (www.good.com)

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From: Attorney General
To: Grindler, Gary (OAG); Schmaler, Tracy (SMO); Cole, James (ODAG); O'Neil, David (ODAG)
CC: Goldberg, Stuart (ODAG); Delery, Stuart F. (OAG)
Sent: 8/28/2011 1:24:19 PM
Subject: Re: Change of position

Tell them to close the door to his office

From: Grindler, Gary (OAG)
Sent: Sunday, August 28, 2011 01:18 PM
To: Schmaler, Tracy (SMO); Cole, James (ODAG); O'Neil, David (ODAG)
Cc: Goldberg, Stuart (ODAG); Attorney General; Delery, Stuart F. (OAG)
Subject: Re: Change of position

If not out yet as soon as people come to work tomorrow it is out.

From: Schmaler, Tracy (SMO)
Sent: Sunday, August 28, 2011 01:17 PM
To: Cole, James (ODAG); O'Neil, David (ODAG)
Cc: Goldberg, Stuart (ODAG); Attorney General; Grindler, Gary (OAG); Delery, Stuart F. (OAG)
Subject: Re: Change of position

I'll email ken to let him know I'm reviewing and suggest he call me today to talk through timing and roll out. Can let him know we plan tues and find out who he talked with at ATF and elsewhere. If it leaks monday we can confirm leadership change in process and working with ken. We'll need to get to dennis as soon as possible.

From: Cole, James (ODAG)
Sent: Sunday, August 28, 2011 01:12 PM
To: O'Neil, David (ODAG)
Cc: Goldberg, Stuart (ODAG); Attorney General; Schmaler, Tracy (SMO); Grindler, Gary (OAG); Delery, Stuart F. (OAG)
Subject: Re: Change of position

Ken describes the release as a draft, but does say it is for Monday release. I did make it clear to him that we would be announcing this on Tuesday. We should tell him that OPA will need to review it and may revise it and that we are planning on releasing it on Tuesday. The office clean out is a surprise and creates an issue about timing. As Stuart points out, this may be out in ATF on Monday in some way. It may force us into a choice of doing it in two steps or letting some confusion and speculation exist for a day. Can we get away with answering any questions that may come on Monday by saying we'll have an announcement on Tuesday?

Jim

On Aug 28, 2011, at 12:51 PM, "O'Neil, David (ODAG)" [REDACTED] wrote:

So we should loop Ron and Steve into circulation of draft statements. Also, Ken's message below reads like he may think he's giving us a heads-up on the message he plans to send Monday as opposed to asking for clearance. If we haven't made clear to him that we want to approve/coordinate any messaging about this, we probably should just say that OPA is going to revise the first draft he shared and we'll get back to him with a new one.

From: Goldberg, Stuart (ODAG)
Sent: Sunday, August 28, 2011 12:32 PM

To: **Attorney General** Cole, James (ODAG); Schmalzer, Tracy (SMO); O'Neil, David (ODAG); Grindler, Gary (OAG); Delery, Stuart F. (OAG)
Subject: Fw: Change of position

Fyi. I also want to flag that Ken says he has cleaned out his office. That will create a buzz at ATF if it is apparent and I am guessing Ken notified a bunch of people directly about his departure especially since he will not be around most of Monday and Tuesday. So we will have to be lined up to respond to the press and the Hill.

From: Melson, Kenneth E. (ATF)
Sent: Sunday, August 28, 2011 12:16 PM
To: Goldberg, Stuart (ODAG)
Subject: Re: Change of position

Thanks. I meant OLP. **Unrelated**
Ken

----- Original Message -----
From: Goldberg, Stuart (ODAG) [REDACTED]
To: Melson, Kenneth E.
Sent: Sun Aug 28 11:07:25 2011
Subject: Re: Change of position

Ken - thanks for the email. A couple of things. It looks like your email was sent to a James Cole at BOP instead of the DAG I will forward it to him but you may want recall your other message. I will also send your draft onto OPA. Also I see your email references OLA -- do you mean OLP? **Unrelated**

----- Original Message -----
From: Melson, Kenneth E. (ATF)
Sent: Sunday, August 28, 2011 10:28 AM
To: Cole, James (BOP); Goldberg, Stuart (ODAG)
Subject: Change of position

The previous email was sent before the message was added. Still getting used to the iPad. The prior email contains a draft press release for Monday that I would like to issue from ATF. Stuart, could you pass it on to OPA? I have my office cleared out **Unrelated**
Unrelated I may not be back until late Tuesday afternoon in time for the class at 6.

I will need to know to whom to report to in OLA on Wednesday.

Thanks. Ken

Sent with Good (www.good.com)

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From: Attorney General
To: Cole, James (ODAG)
CC: Grindler, Gary (OAG); Schmalzer, Tracy (SMO); Goldberg, Stuart (ODAG); Richardson, Margaret (OAG); Delery, Stuart F. (OAG); Weich, Ron (SMO)
Sent: 8/28/2011 11:36:55 AM
Subject: Re: Change of position

And further action/accountability awaits resolution of ongoing review. (Kingaree and IG)

----- Original Message -----

From: Attorney General
Sent: Sunday, August 28, 2011 11:35 AM
To: Cole, James (ODAG)
Cc: Grindler, Gary (OAG); Schmalzer, Tracy (SMO); Goldberg, Stuart (ODAG); Richardson, Margaret (OAG); Delery, Stuart F. (OAG); Weich, Ron (SMO)
Subject: Re: Change of position

We have to make known the breadth of the changes- at the top in USAO and ATF. At worker level at USAO and ATF. No one is a fall guy here.

----- Original Message -----

From: Attorney General
Sent: Sunday, August 28, 2011 11:33 AM
To: Cole, James (ODAG)
Cc: Grindler, Gary (OAG); Schmalzer, Tracy (SMO); Goldberg, Stuart (ODAG); Richardson, Margaret (OAG); Delery, Stuart F. (OAG); Weich, Ron (SMO)
Subject: Re: Change of position

Let's hold all until Tuesday as planned

----- Original Message -----

From: Cole, James (ODAG)
Sent: Sunday, August 28, 2011 11:32 AM
To: Attorney General
Cc: Grindler, Gary (OAG); Schmalzer, Tracy (SMO); Goldberg, Stuart (ODAG); Richardson, Margaret (OAG); Delery, Stuart F. (OAG); Weich, Ron (SMO)
Subject: Re: Change of position

The problem with going earlier than Tuesday is that we won't have Dennis in the package.

Jim

On Aug 28, 2011, at 11:27 AM, Attorney General wrote:

> Do we want to hold off on all press stuff until Tuesday? Impact on hill notifications if he goes out on monday?

>

> So it's OLP? (Or did ron weich cut a deal?)

>

>

>

> ----- Original Message -----

> **From:** Grindler, Gary (OAG)
> **Sent:** Sunday, August 28, 2011 11:21 AM
> **To:** Attorney General
> **Subject:** Fw: Change of position

>

>

>

> ----- Original Message -----

> From: Grindler, Gary (OAG)
> Sent: Sunday, August 28, 2011 11:20 AM
> To: Schmalder, Tracy (SMO); Goldberg, Stuart (ODAG); O'Neil, David (ODAG); Perrelli, Thomas J. (OAAG); Cole, James (ODAG); Delery, Stuart F. (OAG)
> Subject: Re: Change of position

> I agree that the AG quote needs to change among other things.

> ----- Original Message -----

> From: Schmalder, Tracy (SMO)
> Sent: Sunday, August 28, 2011 11:19 AM
> To: Goldberg, Stuart (ODAG); Grindler, Gary (OAG); O'Neil, David (ODAG); Perrelli, Thomas J. (OAAG); Cole, James (ODAG); Delery, Stuart F. (OAG)
> Subject: Re: Change of position

> I can reach out to Ken tomorrow. This release is going to have to be reworked to package both announcements and change some wording and the AG quote.

> ----- Original Message -----

> From: Goldberg, Stuart (ODAG)
> Sent: Sunday, August 28, 2011 11:10 AM
> To: Cole, James (ODAG); Grindler, Gary (OAG); Schmalder, Tracy (SMO); O'Neil, David (ODAG); Perrelli, Thomas J. (OAAG)
> Subject: Fw: Change of position

> My response.

> ----- Original Message -----

> From: Goldberg, Stuart (ODAG)
> Sent: Sunday, August 28, 2011 11:07 AM
> To: Melson, Kenneth E. (ATF)
> Subject: Re: Change of position

> Ken - thanks for the email. A couple of things. It looks like your email was sent to a James Cole at BOP instead of the DAG I will forward it to him but you may want recall your other message, I will also send your draft onto OPA. Also I see your email references OLA -- do you mean OLP?

Unrelated

> ----- Original Message -----

> From: Melson, Kenneth E. (ATF)
> Sent: Sunday, August 28, 2011 10:28 AM
> To: Cole, James (BOP); Goldberg, Stuart (ODAG)
> Subject: Change of position

> The previous email was sent before the message was added. Still getting used to the iPad. The prior email contains a draft press release for Monday that I would like to issue from ATF. Stuart, could you pass it on to OPA? I have my office cleared out

Unrelated

Unrelated

Unrelated

I may not be back until late Tuesday afternoon in time for the class at 6.

> I will need to know to whom to report to in OLA on Wednesday.

> Thanks. Ken

> Sent with Good (www.good.com)

> *****

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From: Weich, Ron (SMO)
To: Grindler, Gary (OAG); Delery, Stuart F. (OAG); Goldberg, Stuart (ODAG); O'Neil, David (ODAG); Reich, Steven (ODAG); Schmalzer, Tracy (SMO)
Sent: 8/29/2011 2:13:07 PM
Subject: draft talking points for congressional calls re: ATF etc --
Attachments: ATF TPs 8-30-11.docx

Attached are draft points. I've tried to strike the same tone as in Tracy's draft releases.

I was somewhat surprised when the AG said this AM that he expects to have these conversations personally. In other respects Jim has been the face of the Dept leadership on these matters, and there may be a value in keeping the AG a step removed. I didn't argue much against the AG's personal involvement when it was raised this morning, but actually I think the question merits some consideration. My thinking had been that I would have the initial conversation with each of the key staffers based on the attached points, and then could offer member-level conversations with the DAG.

Thoughts welcome on that question, and on the text of the points as well.

TALKING POINTS ON ATF / USAO PERSONNEL CHANGES

- We want you to be aware of a number of changes in Justice Department personnel.
- First, Ken Melson, Acting Director of the Bureau of Alcohol, Tobacco and Firearms, has decided to step down from that role. He will assume a position as Senior Advisor on forensic science in the Office of Legal Policy. Ken has had a long career with the department, and I'm glad he will continue to contribute his expertise on forensics issues.
- Second, Todd Jones, the U.S. Attorney in Minnesota, is being appointed Acting Director of ATF. Todd has ample experience in all aspects of law enforcement. He is a former military prosecutor, has served as the U.S. Attorney in Minnesota twice, and is currently chair of my Advisory Committee of US Attorneys. Todd will be a strong leader for ATF.
- Third, Dennis Burke is resigning as U.S. Attorney in Arizona. Dennis has done a good job there, and we appreciate his service, but he recognizes the value of new leadership in that office. Dennis's first assistant Ann Scheel will be the Acting U.S. Attorney in that district.
- Finally, the U.S. Attorney's office in Arizona has decided to re-staff the criminal cases arising out of ATF's Operation Fast and Furious.
- These changes will help us move past the controversy that has surrounded Fast and Furious. Ken Melson and Dennis Burke have both acknowledged mistakes in that area, and it will be useful to turn the page from those mistakes. Our new team will bring a fresh perspective to the fight against illegal gun trafficking.
- We will continue to cooperate with congressional oversight in this area. We recognize Congress' legitimate role and we will continue to work to provide information to the committees that have requested it, consistent with the Department's law enforcement obligations.

From: Colborn, Paul P (OLC)
To: Reich, Steven (ODAG); Burton, Faith (OLA)
CC: Crabb, John D. (USADC); Ramirez, Monica (ODAG); Weich, Ron (OLA); **Admin. Assistant**
Sent: 9/19/2011 11:13:56 AM
Subject: RE: Draft wrap-up letter for discussion
Attachments: issa atf final ppc.docx

Looks good to me. My revisions to Steve's are in brown (at least on my screen). I like Steve's insertion of language on the charging decision in the "memos on memos" paragraph. However, I've tweaked the sentence since I'm not positive that every single withheld memo on memo was dated January 25 or later. I also suggest deleting the sentence giving a page count on our memos on memos withholding. Since that category is generally off-limits as a matter of separation of powers, I think giving a page count is an inappropriate accommodation at this point. They have no legitimate oversight interest in that information.

From: Reich, Steven (ODAG)
Sent: Monday, September 19, 2011 8:20 AM
To: Burton, Faith (OLA)
Cc: Crabb, John D. (USADC); Ramirez, Monica (ODAG); Weich, Ron (OLA); Colborn, Paul P (OLC); **Admin. Assistant**
Subject: FW: Draft wrap-up letter for discussion

My edits in purple.

From: Burton, Faith (OLA)
Sent: Friday, September 16, 2011 6:03 PM
To: Reich, Steven (ODAG); Crabb, John D. (USADC); Ramirez, Monica (ODAG); Weich, Ron (OLA); Colborn, Paul P (OLC)
Cc: **Admin. Assistant**
Subject: Draft wrap-up letter for discussion

<< File: issa atf final.docx >> Molly is working with ATF to finish the tagging so that we can fill in the numbers in the 2nd para as well as the description of redactions. We hope to have that by Monday. Thanks. FB

To: Attorney General
From: Grindler, Gary (OAG)
Sent: Thur 10/6/2011 10:51:46 AM
Subject: RE: Confidentially

I agree. We can talk further about this this morning.

From: Attorney General
Sent: Wednesday, October 05, 2011 11:06 PM
To: Grindler, Gary (OAG)
Subject: Fwd: Confidentially

Sent from my iPad2 - forgive my typos.

Begin forwarded message:

From: Matthew Miller <RC1>
Date: October 5, 2011 10:52:33 PM EDT
To: Attorney General
Subject: Confidentially
Reply-To: Matthew Miller <RC1>

If I were you, I would want answers from the entire team (Cole, Reich, on down), on why the Department let Issa decide what to do with these memos. The whole point of the review is to find things like this and come up with plans for dealing with them. It should have been obvious that these memos were going to be a huge target, and instead of just handing them over, the Department should have put them out to reporters on its own terms, instead of letting Issa do it. Give them to Issa at the same time you give them to the press with an explanation that takes the air out of the balloon.

And if the answer is we owe it to Issa to give him this stuff first -- well, that's obviously ridiculous.