
From: Burton, Faith (SMO)
To: Weich, Ron (SMO); Axelrod, Matthew (ODAG); Colborn, Paul P (SMO)
Sent: 4/14/2011 2:17:20 PM
Subject: FW: Letter from Assistant Attorney General Weich to Chairman Issa

For discussion -

From: Pinto, Ashok [mailto:Ashok.Pinto@mail.house.gov]
Sent: Thursday, April 14, 2011 2:16 PM
To: Gaston, Molly (SMO); Burton, Faith (SMO)
Cc: Castor, Stephen; Kerner, Henry
Subject: RE: Letter from Assistant Attorney General Weich to Chairman Issa

Dear Faith & Molly:

Thank you for the heads-up in regard to the letter from Assistant Attorney General Ronald Weich that we received yesterday evening. As we have made clear, the Chairman expects full and timely compliance with the subpoena issued on March 31st. To that end, the Chairman sent a letter to the Department on April 11th reiterating his expectation that the Department would fully comply with the schedule attached to the subpoena, absent a valid assertion of executive privilege. Unfortunately, this has not occurred.

Mr. Weich's letter mentions that the Department made documents available for review prior to the April 13th deadline. This statement, however, is misleading, because the Department made only four of the most general and unhelpful documents available for our review. This position was especially surprising because on the day the subpoena was issued, the Department assured Committee staff that the subpoena was unnecessary because the Department would begin producing documents within a week, which would have been by April 7th.

Up to and including today, the Department has produced no documents. This is especially disappointing because the schedule specifically asked for e-mails and communications between and among ATF supervisors in the Phoenix field office that relate to the inception of Operation Fast and Furious. Such e-mails are likely to be numerous. Furthermore, these communications can hardly be categorized as involving "pending criminal investigations," since they relate to a period of time when the program had not yet even begun.

Given the paucity of records the Department has made available to the Committee thus far, the Chairman has asked for a staff recommendation about scheduling a contempt hearing for May 2nd. Unless the Department produces a detailed log identifying all documents responsive to the subpoena, a description of them, and an explanation of why it does not want to produce them, we cannot make a recommendation to the Chairman that the Department's position merits the Committee's indulgence. Additionally, it is imperative that we speak by phone directly with Acting Director Kenneth Melson to convey the likelihood and consequences of such a contempt hearing.

It is regrettable that the Department has taken such an antagonistic posture with regard to the Committee's reasonable requests for documents. We agree that this is a very serious matter involving the wanton killing of hundreds. For this precise reason, Congress has a duty to look into this matter thoroughly. By refusing to produce responsive materials, claiming that they relate to "pending criminal investigations," the Department has effectively cloaked this program in secrecy. DOJ's unilateral decision to shield all aspects of this program from Congress is unacceptable to the Committee. Given the high stakes and growing public interest in getting to the bottom of this matter, we must respectfully insist that the Department provide us with the information we need to fulfill our obligations under the Constitution.

Sincerely,

Ashok

From: Gaston, Molly (SMO) [mailto:Molly.Gaston@usdoj.gov]

Sent: Wednesday, April 13, 2011 7:24 PM

To: Castor, Stephen; Pinto, Ashok; Kerner, Henry; Rapallo, Dave; Grooms, Susanne Sachsman; Sherman, Donald

Cc: Burton, Faith (SMO)

Subject: Letter from Assistant Attorney General Weich to Chairman Issa

As per the heads up earlier today, please see the attached letter.

Thanks,
Molly

Molly Gaston
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