
From: Schmalzer, Tracy (SMO)
To: Axelrod, Matthew (ODAG)
Sent: 4/20/2011 1:06:14 AM
Subject: Re: Phone call from Chairman Issa's Chief Investigative Counsel, Steve Castor, re our letter today

What letter?

From: Axelrod, Matthew (ODAG)
Sent: Tuesday, April 19, 2011 09:05 PM
To: Goldberg, Stuart (ODAG); Weiner, Robert (ODAG); Wilkinson, Monty (OAG); Richardson, Margaret (SMO); Schmalzer, Tracy (SMO)
Subject: Fw: Phone call from Chairman Issa's Chief Investigative Counsel, Steve Castor, re our letter today

Fyi.

From: Burton, Faith (SMO)
Sent: Tuesday, April 19, 2011 07:57 PM
To: Monaco, Lisa (ODAG); Axelrod, Matthew (ODAG); Colborn, Paul P (SMO); Burke, Dennis (USAAZ); Cunningham, Patrick (USAAZ)
Cc: Gaston, Molly (SMO); Weich, Ron (SMO)
Subject: Phone call from Chairman Issa's Chief Investigative Counsel, Steve Castor, re our letter today

Steve called a few minutes ago, in response to our letter today, to say that they are not disclosing anything publicly and they are just as concerned as we are about safety. He said he hoped that we'd take USMS or whatever steps are needed to address that concern. He said that they are not confirming any of the info in our letter and that the info in my voice mails to him were "not consistent with the universe of their information ." He said that no hearing is contemplated that would involve this FFL, and no decisions have been made about him. He noted that one FFL spoke was quoted in a Wash. Post article on 2/1 and, in light of our refusal to produce any docs, they're exploring public sources via Google as we should expect. He said that they're "just republishing what's already out there."

I indicated that while we appreciate their concern, it's not clear to us that they will be able to prevent risks to the individual and to our law enforcement efforts if they proceed to seek testimony or an interview (clearly recorded) from him under any circumstances. They just won't be able to control the flow of information. Moreover, our information indicates that others who might assist our investigation are concerned about the prospect of congressional requests, which further complicate our efforts. Also noted that we were certain that the Chairman would not want to create a situation that would require our efforts to protect the safety of an individual, but we are concerned about that here.

He expressed frustration that we are not producing any docs; He said they know that senior ATF agents have been relocated to Washington and senior DOJ officials have the documents – he said that the docs were collected and have been readily available for production since the 2nd week of February. He particularly mentioned a Power Point presentation on 3/5/10 and related email traffic commending ATF for it- said it's a strategic doc, not part of a specific investigation – said we have this doc and should have provided it to them. He said it's not the one they reviewed here. He said the Chairman "is at his wits end" about our refusal to produce docs. I assured him that we are searching and have absolutely not refused to produce docs, but rather we're hoping that we will be able to get back to them on that soon.

He said that they'd also like to conduct transcribed interviews of Newell, Needles, and others – maybe Chait, McMahon, Hoover, and Melson to talk about the goals of F & F. He mentioned that ATF has said that he

wanted to “nab these people and was told that he couldn’t.” I did not engage on the transcription issue, although we don’t usually do that, but noted that I thought it would be difficult for us to make available any folks who have investigative roles in the pending matter. I asked if a briefing might be helpful – he said that he knew the minority had requested one and that they’d want to attend if we did that, but he clearly wants to put people on the record; said that would occupy their efforts.

Finally, he indicated that they’ll send us a short response to our letter today, addressing the safety issue.

Think that we need to meet informally and soon to discuss this – realize Matt isn’t back until Thursday, right? We can wait till then, but in the meantime, can anyone advise re status of doc review/production efforts and particularly regarding the power point mentioned above? Thanks. FB