
From: Cunningham, Patrick (USAAZ)
To: Axelrod, Matthew (ODAG)
CC: Morrissey, Mike (USAAZ); Hurley, Emory (USAAZ); Kelly, Kristen (USAAZ) 6; Burke, Dennis (USAAZ)
Sent: 4/25/2011 8:30:45 PM
Subject: FW: 6(e) list in F and F

Matt: Out of an abundance I propose we proceed as follows:

1. The Criminal Division Attorney and the AUSA from DC are "attorneys for the government" under Rule 6 (e) (3) (A) (i) and their duty is to safeguard grand jury material in our ongoing case.
2. The Civil Division Atty is under Rule 6 (e) (3) (A) (ii) as government personnel to ensure we comply with *Forman*, 71 F3d 1214 (6th Cir. 1995). Grand Jury Manual at Section 3.20, page 61. The Civil Atty may see GJ material immediately, we will add her to the 6e List, and provide that attorney the standard letter recounting the obligations of secrecy by email and hard copy for our record. I infer that the Civil Attorney's duties are likewise to safeguard grand jury material in our ongoing case first and second, she may later be involved in the matter of a subpoena.

I gather the attorneys remain:

Felicia Chambers, Civil Attorney to be added to the 6 e list.

Adam G. Safwat, Criminal Division Attorney

John D. Crabb, Criminal AUSA from DC

Please let me know your thoughts on this strategy. Thanks! PJC

From: Axelrod, Matthew (ODAG) (SMO)
Sent: Monday, April 25, 2011 10:43 AM
To: Cunningham, Patrick (USAAZ)
Cc: Burke, Dennis (USAAZ)
Subject: 6(e) list

Pat,

We have three DC-area DOJ attorneys whom we've tapped to help ATF in their document gathering and review process in response to the Congressional subpoena. ATF raised the issue of whether the three need to be added to the 6(e) list out in Arizona in order to see grand jury material. If it were SDFL, my answer would be no, since we don't typically put DOJ lawyers on the 6(e) list. But I wanted to check on your practice. One of the attorneys is from CRM, one is from USAO-DC, and one is from CIV. Also, if the lawyers do need to go on the 6(e) list, I assume they can see the docs immediately and be added to the 6(e) list as soon as practicable. (In other words, they don't need to wait for a letter go to the court before they see the docs). But can you let me know that too? Thanks.

Matt

Matthew S. Axelrod

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From: [REDACTED] (ATF)

Sent: Monday, April 25, 2011 01:36 PM

To: Hurley, Emory (USAAZ)

Cc: Newell, William D. (ATF); Chambers, Felicia <Felicia.Chambers2@usdoj.gov>; Chambers, Felicia (CIV); Safwat, Adam (CRM); Safwat, Adam G. <Adam.G.Safwat@usdoj.gov>; Crabb, John D. <John.D.Crabb2@usdoj.gov>; Crabb, John D. (USADC); [REDACTED] (ATF); [REDACTED] (ATF)

Subject: Fast/Furious 6(e) list

AUSA Hurley –

Good afternoon. This serves to request that three DOJ attorneys be added to your 6(e) list for the ATF “Fast and Furious” case. They are listed below and in the addressee list above. Please advise me when this is achieved. You may forward their letters to my attention at the ATF HQ address below. If you determine that such action is not necessary for these DOJ attorneys, please advise.

Felicia Chambers

Adam G. Safwat

John D. Crabb

Thank you in advance.

ATF

Chief, Firearms Operations Division

ATF HQ - Room 6.S.129

ATF

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