

From: Axelrod, Matthew (ODAG)
To: Weinstein, Jason (CRM); Johnston, Deborah A. (ODAG)
CC: Raman, Mythili (CRM); Swartz, Bruce (CRM); Lurie, Adam (CRM); Warlow, Molly (CRM)
Sent: 3/21/2011 2:59:59 PM
Subject: RE: Fast and Furious

Thanks, guys. We definitely will not use any part of it unless first fully vetted with ATF. Also, because my guess is that OPA/OLA may not be comfortable with something this strong (even if accurate), the specific language is likely to change some.

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

From: Weinstein, Jason (CRM)
Sent: Monday, March 21, 2011 10:29 AM
To: Axelrod, Matthew (ODAG); Johnston, Deborah A. (ODAG)
Cc: Raman, Mythili (CRM); Swartz, Bruce (CRM); Lurie, Adam (CRM); Warlow, Molly (CRM)
Subject: Re: Fast and Furious

While the relationship with Mexico is clearly in our lane, the problem is that it is not possible to add language that addresses the Mexicans' concerns without making factual assertions that we are not in the best position to be making, since we do not know all of the facts.

Molly drafted the following, which is ideally what we'd like to be able to say - with the caveat that you need to confirm its accuracy - particularly the last sentence - with ATF:

DP

Jason M. Weinstein
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----- Original Message -----

From: Axelrod, Matthew (ODAG) <Matthew.Axelrod@usdoj.gov>
To: Weinstein, Jason; Johnston, Deborah A. (ODAG) (SMO)
Cc: Raman, Mythili; Swartz, Bruce; Lurie, Adam; Warlow, Molly
Sent: Mon Mar 21 09:53:25 2011
Subject: RE: Fast and Furious

What was discussed on the call on Friday was whether it made sense to try to add a few sentences to whatever was being drafted by OLA to respond to Lamar Smith to address concerns being raised by the Mexican government. Those concerns are squarely in CRM's lane, since you have a number of people there who help manage the relationship with the Government of Mexico. So it makes sense for CRM to draft a few sentences to add to the letter. It doesn't make sense for them to be drafted by ATF -- ATF doesn't know what the particular concerns being voiced in Mexico are the way that CRM does. I'll vet everything with ATF for factual accuracy. As for coordination, of course we'll continue to loop you in. You'll recall that you were invited to participate in the conference call on Friday but had a conflict.

Matt

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

From: Weinstein, Jason (CRM)
Sent: Monday, March 21, 2011 9:37 AM
To: Johnston, Deborah A. (ODAG); Axelrod, Matthew (ODAG)
Cc: Raman, Mythili (CRM); Swartz, Bruce (CRM); Lurie, Adam (CRM); Warlow, Molly (CRM)
Subject: Fast and Furious

I understand that you all have asked Adam to come up with some language about the scope and techniques that were/were not used in F&F that can be included in a response to Lamar Smith and others, as well as in a preliminary response to Mexico.

As you know, I've already drafted a response to Smith that can also be used for other members; OLA has since revised that draft and should be circulating those revisions later today.

At the meeting on Thursday, there appeared to be some agreement that we should try to add some language to our congressional responses that captures, with appropriate disclaimers, the fact that to date ATF has discovered only a few (non-F&F) instances where agents intentionally let guns "walk."

I'm not sure if that's what gave rise to your request to Adam, or if you more generally wanted specific language about the F&F investigation, but either way, we've discussed this further within CRM and we think that the language that goes into the letter is more appropriately crafted by ATF, because ATF is the only entity that is in the position to know all those facts. Also, at this point, with Matt doing a deeper dive into F&F than I was in a position to do, Matt is probably in the best position to be, as an initial matter, reviewing ATF's draft language. Although we are always more than happy to help in areas that are not strictly in "our lane," this particular inquiry is fact-intensive, was not prosecuted by CRM, and was investigated by ATF -- therefore, CRM is just not in a good place to be the ones describing the facts. We'd be happy to look at any proposed language by ATF once it's been drafted, just to ensure that OIA and others are kept in the loop wrt to communications to Mexican law enforcement, but I don't think we should be the initial drafters re facts that are not within our knowledge.

More generally, I would appreciate it if you ran any future SWB-related requests to Adam by me first, so we can make sure that our work on these issues is properly coordinated.

Thanks.

Jason

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