
From: Cunningham, Patrick (USAAZ)
To: Axelrod, Matthew (ODAG); Burke, Dennis (USAAZ)
CC: Colborn, Paul P (SMO); Gaston, Molly (SMO); Weich, Ron (SMO); Scheel, Ann (USAAZ); Morrissey, Mike (USAAZ)
Sent: 5/4/2011 12:01:03 PM
Subject: Sealed Wire Tap Applications Redacted Docs to be released today by Issa & Grassley
Attachments: ATF Redacted Docs.pdf

Matt: The Wire application and Blanco's authorization is sealed under 18 USC 2518 (8) (b) reprinted below. In c the statute provides: "Any violation of the provisions of this subsection may be punished as contempt of the issuing or denying judge."

The Original application has been sealed by Judge Murguia and the trial judge has unsealed the applications only for the purpose of discovery under a protective order. I will send you both orders next. They are not on PACER because they are sealed. Thanks PJC

(8)

(a) The contents of any wire, oral, or electronic communication intercepted by any means authorized by this chapter shall, if possible, be recorded on tape or wire or other comparable device. The recording of the contents of any wire, oral, or electronic communication under this subsection shall be done in such a way as will protect the recording from editing or other alterations. Immediately upon the expiration of the period of the order, or extensions thereof, such recordings shall be made available to the judge issuing such order and sealed under his directions. Custody of the recordings shall be wherever the judge orders. They shall not be destroyed except upon an order of the issuing or denying judge and in any event shall be kept for ten years. Duplicate recordings may be made for use or disclosure pursuant to the provisions of subsections (1) and (2) of section 2517 of this chapter for investigations. The presence of the seal provided for by this subsection, or a satisfactory explanation for the absence thereof, shall be a prerequisite for the use or disclosure of the contents of any wire, oral, or electronic communication or evidence derived therefrom under subsection (3) of section 2517.

(b) Applications made and orders granted under this chapter shall be sealed by the judge. Custody of the applications and orders shall be wherever the judge directs. Such applications and orders shall be disclosed only upon a showing of good cause before a judge of competent jurisdiction and shall not be destroyed except on order of the issuing or denying judge, and in any event shall be kept for ten years.

(c) Any violation of the provisions of this subsection may be punished as contempt of the issuing or denying judge.

(d) Within a reasonable time but not later than ninety days after the filing of an application for an order of approval under section 2518 (7)(b) which is denied or the termination of the period of an order or extensions thereof, the issuing or denying judge shall cause to be served, on the persons named in the order or the application, and such other parties to intercepted communications as the judge may determine in his discretion that is in the interest of justice, an inventory which shall include notice of—

(1) the fact of the entry of the order or the application;

(2) the date of the entry and the period of authorized, approved or disapproved interception, or the denial of the application; and

(3) the fact that during the period wire, oral, or electronic communications were or were not intercepted.

The judge, upon the filing of a motion, may in his discretion make available to such person or his counsel for inspection such portions of the intercepted communications, applications and orders as the judge determines to be in the interest of justice. On an ex parte showing of good cause to a judge of competent jurisdiction the serving of the inventory required by this subsection may be postponed

From: Burton, Faith (SMO)

Sent: Wednesday, May 04, 2011 8:06 AM

To: Axelrod, Matthew (ODAG) (SMO); Burke, Dennis (USAAZ); Cunningham, Patrick (USAAZ);

ATF

Hoover, William J. (ATF)

Cc: Colborn, Paul P (SMO); Gaston, Molly (SMO); Weich, Ron (SMO)

Subject: FW: Redacted Docs to be released today by Issa & Grassley

We're advised that Grassley and Issa will release these docs today. Thanks. FB