

From: Burton, Faith (SMO)
To: Colborn, Paul P (SMO); Axelrod, Matthew (ODAG); Schmalzer, Tracy (SMO); Richardson, Margaret (SMO); Wilkinson, Monty (OAG); Weich, Ron (SMO)
Sent: 5/29/2011 3:30:15 PM
Subject: Re: Call with Steve Castor

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From: Colborn, Paul P (SMO)
Sent: Sunday, May 29, 2011 09:36 AM
To: Axelrod, Matthew (ODAG); Schmalzer, Tracy (SMO); Richardson, Margaret (SMO); Wilkinson, Monty (OAG); Burton, Faith (SMO)
Subject: Re: Call with Steve Castor

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From: Axelrod, Matthew (ODAG)
Sent: Friday, May 27, 2011 07:32 PM
To: Schmalzer, Tracy (SMO); Richardson, Margaret (SMO); Wilkinson, Monty (OAG); Burton, Faith (SMO); Colborn, Paul P (SMO)
Subject: Call with Steve Castor

Faith and I spoke with Steve Castor earlier today. It was a fairly long conversation. A few items of note:

1. We discussed the possibility of a compromise on the witness interview issue. Rather than do a global protocol, we would start by making an ATF official available who doesn't have/want a personal lawyer. That way, staff would have no problem with us having a DOJ attorney present. As for the transcript issue, we would agree that once the transcript was prepared, the witness and the DOJ attorney would have the ability to review (although not retain) it. We also discussed the fact that we would need to be given a copy at some point down the road because of potential discovery obligations.

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2. With regard to the documents, Steve said that they were considering having a contempt hearing due to our failure to physically produce any documents that weren't already publicly available. He said that they wanted a DOJ official to come before the committee to explain publicly why the docs weren't being physically produced. On the issue of requiring a Chairman's Letter in order to get the OCDEF reports and Melson briefing books, Steve said they were prepared to send one – but said that the letter would ask for a bunch of other things as well. He said that sending an extensive letter would obviate the need for them to send a new letter every few days. He also said that he was surprised we were forcing them to send a letter, since his past experience was that once an investigation got going, there was generally a good level of informal give and take with the Executive Branch agency.

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I need to get back to Steve on Tuesday. If you have objections to either of these proposals, please let me know. Thanks. Have a great Memorial Day.

Matt

Matthew S. Axelrod

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