

From: O'Neil, David (ODAG)
To: Goldberg, Stuart (ODAG); Grindler, Gary (OAG); Delery, Stuart F. (OAG); Axelrod, Matthew (ODAG); Schmalzer, Tracy (SMO); Richardson, Margaret (SMO)
CC: Weich, Ron (SMO)
Sent: 6/15/2011 2:13:43 PM
Subject: RE: Document Production Status

Here is my proposed response to Kolan for discussion at noon.

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From: Goldberg, Stuart (ODAG)
Sent: Wednesday, June 15, 2011 8:21 AM
To: O'Neil, David (ODAG); Grindler, Gary (OAG); Delery, Stuart F. (OAG); Axelrod, Matthew (ODAG); Schmalder, Tracy (SMO); Richardson, Margaret (SMO)
Cc: Weich, Ron (SMO)
Subject: RE: Document Production Status

Set for noon.

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From: O'Neil, David (ODAG)
Sent: Wednesday, June 15, 2011 8:20 AM
To: Goldberg, Stuart (ODAG); Grindler, Gary (OAG); Delery, Stuart F. (OAG); Axelrod, Matthew (ODAG); Schmalder, Tracy (SMO); Richardson, Margaret (SMO)
Cc: Weich, Ron (SMO)
Subject: Re: Document Production Status

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Are we meeting this morning?

From: O'Neil, David (ODAG)
Sent: Tuesday, June 14, 2011 10:58 PM
To: Goldberg, Stuart (ODAG); Grindler, Gary (OAG); Delery, Stuart F. (OAG); Axelrod, Matthew (ODAG)
Cc: Weich, Ron (SMO)
Subject: Fw: Document Production Status

Below is Kolan's answer from today's meeting about whether we have provided what Grassley and the AG agreed on.

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From: Weich, Ron (SMO)
Sent: Tuesday, June 14, 2011 10:48 PM
To: O'Neil, David (ODAG)
Cc: Axelrod, Matthew (ODAG)
Subject: FW: Document Production Status

Dave – I had just started drafting the email we agreed I would send to Kolan Davis (cc to John Abegg) when I received the email below from Kolan.

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Here's my rough take on the points below:

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I'm attaching the original document from Kolan/Jason containing these requests.

Thanks for helping out. Sorry I can't do what needs to be done at this precise moment, but tomorrow afternoon seems timely.

From: Davis, Kolan (Judiciary-Rep) [mailto:Kolan_Davis@judiciary-rep.senate.gov]
Sent: Tuesday, June 14, 2011 10:13 PM
To: Weich, Ron (SMO)
Subject: Fw: Document Production Status

Below is Jason's take on where we are

From: Foster, Jason (Judiciary-Rep)
Sent: Tuesday, June 14, 2011 09:49 PM
To: Davis, Kolan (Judiciary-Rep)
Subject: Document Production Status

The only document the Justice Department has provided to us is 4(a). That was the Newell memo which was initially promised, then withheld, then produced. As for the other items on the list:

1. Written commitment about equal footing w/ Issa: It was my understanding that would come after the time agreement and a Leahy letter. We asked for a draft of the proposed text of the Leahy letter at the meeting with the AG, but I have not received it.
2. Written commitment about interview conditions: They objected to the one involving OLA being present, but we have nothing confirming that they accept the others.
3. Delivery of answers to QFRs: We had worked out a compromise for a promise of a date-certain. However, we haven't been told what that date is. They were to check to see what their estimate was

likely to be.

4. Documents: DOJ has only provided us with (a). There have been some document productions to the House side. The most recent was 7:15 this evening. I'm not sure what is in those and of course they are preparing for the hearing over there.
 - a. Newell Memo: Was delivered after a general claim of sensitivity and much heavy lifting.
 - b. ATF Presentation (3/5/2010): We could confirm whether this one was produced to the House side if they provide us with the bates number where it is located.
 - c. Records related to 12/17/09 DOJ/FFL meeting: They said this category was sensitive, implying an *in camera* review. There's been no specific description of why this category is sensitive and no written commitment that we or the House side will receive an *in camera* review.
 - d. Briefing papers on F&F to HQ: If they provide bates numbers, we could confirm whether these have been produced to the House. If production will be rolling on this broader category, then a commitment to prioritize and identify them when produced would work.
 - e. Records relating to orders to stand down: Again, bates numbers would help if they say they have produced. If not, then a commitment to prioritize and identify them when produced would work.
 - f. Records relating to Terry ballistics: They said this one is off the table. However, we started getting questions today suggesting that DOJ had provided detailed information on this to the press.
 - g. ATF / USAtty communications on genesis of F&F: Same status as (d) and (e).
5. We've received nothing indicating that there are no responsive documents in any of the categories.