
From:
To: Melson, Kenneth E. (ATF)
Sent:
Subject: FW: follow up from our meeting yesterday re: DOJ noms + document requests --
Attachments: Good Faith First Step.docx

Ken,

Great event yesterday. Thanks again for inviting me. While there, I was talking with Jeff Sarnacki, who told me that you wanted a copy of the "term sheet" proposed by Senator Grassley's staff at one point in the negotiations. He said that you would also like to see a copy of the actual agreement between the Department and Senator Grassley, to the extent it was documented somewhere. To that end, please see the email and attachment below. If you need anything else, or have any questions, please don't hesitate to let me know. Thanks.

Matt

From: Weich, Ron (SMO)
Sent: Wednesday, June 15, 2011 6:55 PM
To: John Abegg (John_Abegg@mccconnell.senate.gov); Poindexter, Martha Scott (Intelligence); 'Davis, Kolan (Judiciary-Rep)'
Subject: follow up from our meeting yesterday re: DOJ noms + document requests --

Thanks again to all for the meeting yesterday, and especially to John and Tom for convening us (John, I don't have Tom's email, but feel free to forward this to him). I think we're almost there, but we need absolute certainty about the objective steps that will trigger Sen. McConnell's concurrence for the three DOJ nominees to receive up/down votes.

On the Chambliss side of the ledger, as we said yesterday, Martha Scott and I know exactly what the AG and Sen. Chambliss have agreed to, and that agreement need not be restated here.

On the Grassley side of the ledger, we must still confirm the objective measures that will implement the agreement between Senator Grassley and the Attorney General and lead Sen. McConnell to express his concurrence. At the principal-level meeting Kolan and I attended, the Attorney General and Senator Grassley agreed to the following (the numbering below is keyed to a document Kolan had sent to me earlier, which I have attached at the bottom of this email):

1. At DOJ's request, Senator Leahy will send a letter that will provide Senator Grassley and his staff access to documents and interviews on the same terms as Chairman Issa.
2. Kolan has asked for written commitment of the terms on which the interviews would be conducted. We will commit that the terms would be exactly the same as those that we have negotiated with the House Oversight and Government Reform Committee.
3. DOJ will respond to Sen. Grassley's ATF-related QFRs in an expedited manner. We will commit to have those to Senator Grassley one month after the UC is entered.
4. DOJ will provide access to documents responsive to categories 4(a), 4(b), and 4(d) of the list provided to me by Kolan. In the meeting with Sen. Grassley, the Attorney General explicitly listed (a) (b) and (d) as documents to which we could provide access, and he did not list the others (but see

below). Other than 4(a), which has already been emailed to Jason Foster, the other documents have been or will be made available to Chairman Issa, and Sen. Grassley's staff would gain access to them by virtue of the Leahy letter.

- 4(a): This document was emailed to Jason last week.
- 4(b): This document has been made available to HOGRC under Bates numbers HOGRC ATF A 000953 through HOGRC ATF A 000980.
- 4(d): These documents have been made available or provided to HOGRC under Bates numbers HOGRC ATF A 000981 to HOGRC ATF A 001001; HOGRC ATF 001143 to HOGRC ATF 001146; HOGRC ATF 001182 to HOGRC ATF 001185; HOGRC ATF 001217 to HOGRC ATF 001219; HOGRC ATF 001244 to HOGRC ATF 001248; HOGRC ATF 001340 to HOGRC ATF 001352; HOGRC ATF 001395 to HOGRC ATF 001411. We are continuing to search for additional responsive documents and will produce them when located.

The agreement between Senator Grassley and the Attorney General only covered 4(a), (b) and (d). Nevertheless, in light of intervening events and as a further show of good faith, we will agree to make additional documents available. Specifically:

- 4(c): We will agree to make all documents in this category available. We have already made one document available to HOGRC under Bates numbers HOGRC-ATF A 001105 to HOGRC-ATF A 001107. In addition to the document already made available, we have identified two additional responsive documents. These documents are law-enforcement sensitive, but one of the two documents in this category has been publicly released without authorization. We will therefore produce that document and make the other available for your review.
- 4 (e) and 4(g): We are continuing to search for additional documents responsive to the HOGRC subpoena and Chairman Issa's letter requests. When we produce or make available responsive documents to Chairman Issa, they will be produced or made available to Sen. Grassley as well pursuant to the Leahy letter.

So to be clear, we are prepared to implement the Holder/Grassley agreement and to provide access to several additional documents beyond that agreement, as described above.

For us to accept the "concurrence" version of the time agreement, we need Kolan to confirm that, consistent with Sen. Grassley's assurances to the Attorney General, Senator Grassley commits to advising Sen. McConnell that he should provide concurrence to the time agreement based on the terms described above.

Finally, I note that both Sens. Chambliss and Grassley told the AG on the phone that if a time agreement is not possible, they would vote for cloture on the three nominees based on the terms described above.

Here is the earlier Grassley list, for reference: