
From: Weich, Ron (SMO)
To: Burton, Faith (SMO); Axelrod, Matthew (ODAG); Reich, Steven (ODAG); Richardson, Margaret (SMO); Schmalzer, Tracy (SMO); Ramirez, Monica (ODAG)
CC: Gaston, Molly (SMO)
Sent: 7/1/2011 6:12:45 PM
Subject: subject of handwritten letter from Sen. Grassley to the AG --

As we discussed this AM, I contacted Kolan to find out the context of the letter and (predictably) he passed me off to Jason. Jason just explained to me and Molly that they believe a reporter was shown or given a document that we made available for viewing by the Issa staff regarding a proposal by Agent Newell to conduct undercover activities. If true, it would certainly be a problem if a document we regard as law enforcement sensitive was shown or given to a reporter.

DP

From: Weich, Ron (SMO)
Sent: Friday, July 01, 2011 6:01 PM
To: 'Foster, Jason (Judiciary-Rep)'; Davis, Kolan (Judiciary-Rep)
Cc: Gaston, Molly (SMO)
Subject: RE: voicemail

Kolan – Jason, Molly and I just spoke. Now that we understand the context of Sen. Grassley's handwritten letter, we will be able to respond to it. Thanks.

From: Foster, Jason (Judiciary-Rep) [mailto:Jason_Foster@judiciary-rep.senate.gov]
Sent: Friday, July 01, 2011 5:29 PM
To: Weich, Ron (SMO); Davis, Kolan (Judiciary-Rep)
Cc: Gaston, Molly (SMO)
Subject: RE: voicemail

I too was not at my desk, sorry. Happy to talk if we can connect, but here is some additional information that might be helpful. I cc'd Molly above, who had the opportunity to review Exhibit 10 throughout this morning's interview.

FYI, I consulted with the House staff about what they reviewed *in camera* on the occasion when Brian and Tristan were turned away at DOJ headquarters. We believe the document in question may be located somewhere between bates numbers 58-63 from that batch, which has not yet been provided to us or the House Committee. Of course, I can't be sure if those pages are the document in question as we haven't yet had an opportunity to review them. I'm assuming this is a separate bates series since we also have an HOCR ATF 00058-63, which is a different document and which was actually delivered to us after the votes on the nominations. Any additional explanation on that would be appreciated.

The document referenced in Exhibit 10 in today's interview is described by the reporter who obtained it this way: "Essentially, I got a copy of a proposal he **ATF** made in May 2010 to go undercover and investigate gun traffickers." The reporter also represented separately that s/he had possession of a blank email from **ATF** dated May 27, 2010 and that the document was attached to that email. In Exhibit 10, the reporter is described as a "DOJ producer" and excerpts from various documents are selectively contrasted with excerpts from **ATF** public testimony in various font sizes, as if cut and pasted together. According to **ATF** the reporter indicated to him yesterday that DOJ was, in fact, the source of the 5/27/10 blank email and attached document.

I understand this prompted [ATF] to complain to his new SAC, Mr. Brandon, about the leak resulting in contacts from the press. [ATF] indicated to SAC Brandon that following his public testimony he just wants to go back to doing his job the best he can and do what the taxpayers pay him to do. That is made extremely difficult if senior ATF and DOJ officials are attempting to attack his credibility in the press to distract from the larger issues. I also understand that former SAC Bill Newell, told a gathering of other SACs something to the effect of “the only weapons I know that were walked in Phoenix were walked by [ATF]. You can understand why unfounded statements like by an SAC to other SACs would make it difficult for [ATF] and SAC Brandon to find a way that he can effectively contribute to the agency’s mission going forward (such as, perhaps in another field office) by denying him the opportunity for a fresh start w/o prejudicing the head of any prospective new field division against him. To be clear SAC Brandon is, by all reports, attempting to address the situation appropriately up through his chain of command.

Cordially,
Jason A. Foster
Chief Investigative Counsel

Charles E. Grassley, Ranking Member
Committee on the Judiciary
152 Dirksen Senate Office Building
United States Senate

Direct: (202) 224-7142

From: Weich, Ron (SMO) [mailto:Ron.Weich@usdoj.gov]
Sent: Friday, July 01, 2011 3:44 PM
To: Davis, Kolan (Judiciary-Rep)
Cc: Foster, Jason (Judiciary-Rep)
Subject: Re: voicemail

Not at my desk. Jason, I will call you.

From: Davis, Kolan (Judiciary-Rep) [mailto:Kolan_Davis@judiciary-rep.senate.gov]
Sent: Friday, July 01, 2011 01:28 PM
To: Weich, Ron (SMO)
Cc: Foster, Jason (Judiciary-Rep) <Jason_Foster@judiciary-rep.senate.gov>
Subject: voicemail

Got your vm. I’m planning on being out this afternoon, but Jason will be able to talk to you. Should he give you a call after 3 at 514-2125?