
From: Axelrod, Matthew (ODAG)
To: Reich, Steven (ODAG); Ramirez, Monica (ODAG); Colborn, Paul P (SMO); Weich, Ron (SMO); Schmalzer, Tracy (SMO); Richardson, Margaret (SMO); Wilkinson, Monty (OAG); Burton, Faith (SMO)
Sent: 7/7/2011 10:20:00 AM
Subject: Fw: Law Enforcement Sensivitive Materials

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From: Foster, Jason (Judiciary-Rep) [mailto:Jason_Foster@judiciary-rep.senate.gov]
Sent: Thursday, July 07, 2011 10:02 AM
To: Burton, Faith (SMO); 'Castor, Stephen' <Stephen.Castor@mail.house.gov>
Cc: Axelrod, Matthew (ODAG)
Subject: RE: Law Enforcement Sensivitive Materials

As we explained via email to Ron and Molly on Friday:

The reporter also represented separately that s/he had possession of a blank email from [ATF] [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 did not see a blank 5/27/10 email from [ATF] with an attachment in the bates numbers you identified below or elsewhere in the documents produced thus far. Was that document available for *in camera* review? What are the names of the people who had access to that document?

We are aware of who we can make referrals to. We are also free to investigate the matter ourselves and would expect your full cooperation. I asked Ron on Friday who would be responsible for getting back to us on who in DOJ public affairs may have had access to that document. I have not heard back.

From: Burton, Faith (SMO) [mailto:Faith.Burton@usdoj.gov]
Sent: Thursday, July 07, 2011 9:26 AM
To: 'Castor, Stephen'; Foster, Jason (Judiciary-Rep)
Cc: Axelrod, Matthew (ODAG)
Subject: Law Enforcement Sensivitive Materials

Steve, could you please identify the law enforcement sensitive materials that you believe have been improperly disclosed to the press so that we can respond appropriately? It's difficult for us to address your concerns when we don't know which docs your referencing and, as you know, a number of docs re [ATF] involvement in the Fernandez investigation have been delivered to the Committee, e.g. HOCR ATF 001653--1661. You are, of course, always free to make a referral to OIG or OPR if you believe there has been an improper disclosure by someone in the Department.

Thanks. Faith

From: Castor, Stephen [mailto:Stephen.Castor@mail.house.gov]
Sent: Tuesday, July 05, 2011 11:43 AM
To: Axelrod, Matthew (ODAG); 'Foster, Jason (Judiciary-Rep)'
Cc: Burton, Faith (SMO)
Subject: RE: ATF desktop icon

Thank you Matt. We have obtained some new information about materials provided to the press. Would you please provide a list of people (ATF and DOJ) who had access.

-Steve

From: Axelrod, Matthew (ODAG) [mailto:Matthew.Axelrod@usdoj.gov]
Sent: Tuesday, July 05, 2011 11:22 AM
To: 'Foster, Jason (Judiciary-Rep)'; Castor, Stephen
Cc: Burton, Faith (SMO)
Subject: RE: ATF desktop icon

Jason,

As mentioned last week, there were some ATF employees who had (but no longer have) access to the share drive and who are also on the list of witnesses you wish to interview. The list of ATF employees who had access and are on your list for witness interviews are as follows: Ken Melson; Mark Chait; Billy Hoover; Bill McMahon; and Bill Newell. Also, one slight correction to something from last week – a small number of DOJ employees who have been participating in the document review/production process do have access to the share drive. Thanks.

Matt

From: Foster, Jason (Judiciary-Rep) [mailto:Jason_Foster@judiciary-rep.senate.gov]
Sent: Friday, July 01, 2011 6:55 PM
To: Axelrod, Matthew (ODAG); 'Stephen.Castor@mail.house.gov'
Cc: Burton, Faith (SMO)
Subject: RE: ATF desktop icon

Thanks. You too.

From: Axelrod, Matthew (ODAG) [mailto:Matthew.Axelrod@usdoj.gov]
Sent: Friday, July 01, 2011 6:38 PM
To: Foster, Jason (Judiciary-Rep); 'Stephen.Castor@mail.house.gov'
Cc: Burton, Faith (SMO)
Subject: Re: ATF desktop icon

Jason,

I'll get back to you next week regarding this. Have a good weekend.

Matt

From: Foster, Jason (Judiciary-Rep) [mailto:Jason_Foster@judiciary-rep.senate.gov]
Sent: Friday, July 01, 2011 05:34 PM
To: Axelrod, Matthew (ODAG); 'Castor, Stephen' <Stephen.Castor@mail.house.gov>
Cc: Burton, Faith (SMO)
Subject: RE: ATF desktop icon

Thanks Matt. Which ATF employees?

From: Axelrod, Matthew (ODAG) [mailto:Matthew.Axelrod@usdoj.gov]
Sent: Friday, July 01, 2011 5:30 PM
To: Foster, Jason (Judiciary-Rep); 'Castor, Stephen'
Cc: Burton, Faith (SMO)
Subject: RE: ATF desktop icon

My understanding is that the share drive was only accessible to certain ATF employees, not anyone from DOJ or USAO-AZ.

From: Foster, Jason (Judiciary-Rep) [mailto:Jason_Foster@judiciary-rep.senate.gov]
Sent: Friday, July 01, 2011 5:27 PM
To: Axelrod, Matthew (ODAG); 'Castor, Stephen'
Cc: Burton, Faith (SMO)
Subject: RE: ATF desktop icon

Do/did any potential future DOJ/USAO AZ witnesses have access to the share drive?

From: Axelrod, Matthew (ODAG) [mailto:Matthew.Axelrod@usdoj.gov]
Sent: Friday, July 01, 2011 5:24 PM
To: 'Castor, Stephen'
Cc: Burton, Faith (SMO); Foster, Jason (Judiciary-Rep)
Subject: RE: ATF desktop icon

Steve,

My understanding is that it wasn't a shortcut installed on the desktop, but rather a share drive to which certain ATF employees had access. After we spoke, I talked to ATF, confirmed that such a shared drive existed, and instructed ATF to remove access to the share drive from any employees who were on the list of witnesses you have asked to interview. There are a handful of ATF employees (not on the list of interview witnesses) who are involved in the document gathering and production process and who retain access to the share drive. The documents on the share drive include both documents physically produced to the Committee and those made available to the Committee here at the Department.

Matt

From: Castor, Stephen [mailto:Stephen.Castor@mail.house.gov]
Sent: Friday, July 01, 2011 2:29 PM
To: Axelrod, Matthew (ODAG)
Cc: Burton, Faith (SMO); Foster, Jason (Judiciary-Rep)
Subject: ATF desktop icon

Hi Matt

Could you give me an update about the computer link situation we discussed on Tuesday. As we understand it, all documents produced to the Committee have been made available to certain ATF employees via a shortcut installed on their computer desktop.

Can you tell us whether this access included (assuming you shut this down like you said you would immediately on Tuesday evening) access to documents produced *in camera* as well?

We have rec'd the McMahan transcript. He testified as follows:

Q So how much of your time has been spent in terms of assisting with responding to the various inquiries and the public controversy about this case?

A Not much. They have pulled all my emails. They asked me to go through other documents. And I did that. And then I haven't been doing much more. I have been purposely just trying to stay away from it. It can get pretty depressing.

Q What other documents have you gone through other than your emails?

A A couple of the things that have been produced. They put a link on our computer, some kind of drive that I can click on and read things that have been produced. So I do that every once in a while, but not normally.

Q And so what is the purpose of that, to your knowledge?

A Just to refresh my recollection about what is out there, you know.

Q So you have a link on your computer so that you know what we have been provided by Justice?

A Yes. There is a link in our computer for Gunrunner, Fast and Furious produced to Congress, and there is updates every once in a while of those documents that are being produced.

Q And those aren't just documents that you are on, those are documents that other people are on?

A Sure. Yeah.

Q And are you encouraged to look at that? Or it is there for your perusal if you want to?

A It is there for my perusal if I want to, and every once in a while I have some time I just read it what type of documents that are showing up. Most of it I have already seen before.

Q So you think you've read them all?

A I know I haven't read everything, no, but --

Q Are there versions that you have on that available to you at length? Are they redacted?

A I believe they are. I believe they are. Yes.

Q So it is just literally a copy of what we got?

A Yes.

Steve Castor
Committee on Oversight and Gov't Reform
Rep. Darrell Issa, Chairman
U.S. House of Representatives
202-225-5074