

**From:** Axelrod, Matthew (ODAG)  
**To:** Schmaler, Tracy (OPA); Grindler, Gary (OAG); Richardson, Margaret (OAG); Delery, Stuart F. (OAG); Reich, Steven (ODAG); Weich, Ron (OLA); Goldberg, Stuart (ODAG); O'Neil, David (ODAG)  
**Sent:** 10/6/2011 4:26:01 PM  
**Subject:** RE: Holder Received at Least 5 Memos on Fast and Furious

I heard back from ATF. While there are typically over 40,000 "investigations" open at ATF at any one time, the number of "full criminal investigations" is lower - over 30,000 (the balance is made up of intelligence investigations). ATF agents generally open a "full criminal investigation" once they spend more than four hours working on a matter that might eventually result in criminal prosecution.

For each of the last four years, ATF has referred from approximately 10,700 to 12,600 of these full criminal investigations for criminal prosecution to us and state/local prosecutors, of which between approximately 7,700 and 10,000 were accepted for prosecution. Here are the stats, broken down by year/cases presented for prosecution/cases out of those referrals that were accepted for prosecution:

FY2010 - 10,734/7,705  
FY2009 - 11,376/8,685  
FY2008 - 11,697/9,316  
FY2007 - 12,632/10,035

**DP** these numbers **DP** they're accurate as of today's date - the number of cases presented for prosecution won't change going forward, but the number of cases accepted for prosecution may well rise as decisions get made on cases that were referred in those years but remain pending decision by the relevant prosecutorial office. For example, there are still 1,472 cases that were presented for prosecution in FY2010 that are still pending a decision (which is why the number of cases accepted for prosecution for FY2010 referrals is a little lower than for the previous years).

**From:** Schmaler, Tracy (OPA)  
**Sent:** Thursday, October 06, 2011 12:00 PM  
**To:** Grindler, Gary (OAG); Richardson, Margaret (OAG); Delery, Stuart F. (OAG); Reich, Steven (ODAG); Weich, Ron (OLA); Goldberg, Stuart (ODAG); O'Neil, David (ODAG); Axelrod, Matthew (ODAG)  
**Subject:** Re: Holder Received at Least 5 Memos on Fast and Furious

Axelrod - can you answer?

**From:** Grindler, Gary (OAG)  
**Sent:** Thursday, October 06, 2011 11:59 AM  
**To:** Schmaler, Tracy (OPA); Richardson, Margaret (OAG); Delery, Stuart F. (OAG); Reich, Steven (ODAG); Weich, Ron (OLA); Goldberg, Stuart (ODAG); O'Neil, David (ODAG)  
**Subject:** Re: Holder Received at Least 5 Memos on Fast and Furious

A few quick comments.

**DP**

**DP**

**DP**

From: Schmalzer, Tracy (OPA)  
Sent: Thursday, October 06, 2011 11:40 AM  
To: Richardson, Margaret (OAG); Delery, Stuart F. (OAG); Reich, Steven (ODAG); Weich, Ron (OLA); Grindler, Gary (OAG); Goldberg, Stuart (ODAG); O'Neil, David (ODAG)  
Subject: Fw: Holder Received at Least 5 Memos on Fast and Furious

These appear to be the same docs they released 3 days ago.

**DP**

**DP**

From: Perez, Evan [mailto:Evan.Perez@wsj.com]  
Sent: Thursday, October 06, 2011 10:48 AM  
To: Schmalzer, Tracy (OPA)  
Subject: FW: Holder Received at Least 5 Memos on Fast and Furious

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DOJ-FF-04431

From: Ranking Member Grassley (Judiciary-Rep) [mailto:RankingMemberGrassley@judiciary-rep.senate.gov]  
Sent: Thursday, October 06, 2011 9:54 AM  
To: Levine, Beth (Judiciary-Rep)  
Subject: Holder Received at Least 5 Memos on Fast and Furious

For Immediate Release

Thursday, October 6, 2011

Holder Received at Least Five Memos on Fast and Furious

WASHINGTON - Senator Chuck Grassley and Congressman Darrell Issa today said that Attorney General Eric Holder received at least five weekly memos beginning in July 2010, including four weeks in a row, describing the ill-advised strategy known as Operation Fast and Furious. The memos were to Holder from Michael Walther, the director of the National Drug Intelligence Center.

The Attorney General told Issa during a House Judiciary Committee in May 2011 that he had just learned of Fast and Furious a few weeks before. Yet, on January 31, in a previously scheduled meeting, Grassley personally handed him two letters about Fast and Furious. Grassley and Issa said they find it very troubling that Holder actually knew of Operation Fast and Furious much earlier, and in greater detail than he ever let on.

The memos specifically said that the straw buyers were "responsible for the purchase of 1500 firearms that were then supplied to Mexican drug trafficking cartels."

"With the fairly detailed information that the Attorney General read, it seems the logical question for the Attorney General after reading in the memo would be "why haven't we stopped them?" Grassley said. "And if he didn't ask the questions, why didn't he or somebody in his office?"

"Attorney General Holder has failed to give Congress and the American people an honest account of what he and other senior Justice Department officials knew about gunwalking and Operation Fast and Furious. The lack of candor and honesty from our nation's chief law enforcement officials in this matter is deeply disturbing," Issa said.

Grassley and Issa have been leading the investigation into who approved the strategy to allow guns to be purchased by known straw buyers who then often transferred the firearms to Mexican Drug Cartels.

The memos can be found here. <<http://grassley.senate.gov/judiciary/upload/ATF-10-04-11-Holder-memo-docs.pdf>>

