

RECORD REVIEW PROTOCOL

This protocol sets forth the basic principles that should guide the first-level review of records potentially responsive to the letter request to the Attorney General from Chairman Issa and Senator Grassley dated July 11, 2011. The review will be conducted under the direction of the Office of Information Policy. All questions regarding the review should be directed to Melanie Pustay (x4-3642) of that Office or her designee.

A copy of the letter request to the Attorney General from Chairman Issa and Senator Grassley is attached to this Protocol. Please review the letter request carefully.

1. The letter request seeks two separate categories of records. The first is "all records relating to communications between and among [specified] individuals regarding Operation Fast and Furious." Accordingly, to be responsive to this category, a record must, as an initial matter, be "between [or] among" the following individuals:

- a. David Ogden;
- b. Gary Grindler;
- c. James Cole;
- d. Lanny Breuer;
- e. Kenneth Blanco;
- f. Jason Weinstein;
- g. John Keeney;
- h. Matt Axelrod;
- i. Ed Siskel;
- j. Brad Smith;
- k. Kevin Carwile; or
- l. Joseph Cooley.

2. With respect to this category of records, the letter request seeks communications among these specified individuals only "regarding Operation Fast and Furious." Thus, to be responsive to this category of the request, a record must also be "regarding" Operation Fast and Furious.

3. The second category of records sought by the letter request is "any records related to communications referring to a large firearms trafficking case within the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) or in Phoenix."

4. The date range applicable to the request is September 1, 2009 through July 11, 2011. Our intention is to review the records in two batches. The first batch will cover the time period September 1, 2009 through January 31, 2011. The second batch will cover February 1, 2011 through July 11, 2011.

5. To generate records potentially responsive to the letter request, search terms were created and run against electronic records maintained for the specified custodians. The search terms have been shared with the Committee on Oversight and Government Reform. A copy of the search terms used to generate the records you will be reviewing is attached to this Protocol.

6. If you have any uncertainty about whether a record is or is not responsive, please make an effort to confer with Melanie Pustay or her designee to try to resolve your uncertainty. If you cannot confer with a representative of OIP, or if your uncertainty persists despite having conferred, mark the record as responsive and follow the instructions below for responsive documents. All uncertainty about whether a record is responsive should be resolved in favor of responsiveness.

7. If you determine a record to be responsive, then the following additional matters should be considered by you and the responsive record tagged as follows based on its content:

- a. If you believe that the record is appropriate for actual physical delivery to the requesting parties, please tag it accordingly;
- b. If you believe that the record is appropriate for review by the requesting parties in a controlled setting but that actual physical delivery would be inappropriate, please tag it accordingly;
- c. If you are uncertain whether the record is appropriate for actual physical delivery to the requesting parties, or if you have questions regarding the content of the record, or if some other concern is raised by a record you believe to be responsive, including uncertainty about whether or what portions of the document should be redacted, please tag it accordingly;
- d. If you believe that the record is responsive but you also believe that it implicates important Department interests that cannot sufficiently be protected through redaction, please tag it accordingly.

8. If you believe that redactions to any responsive records are appropriate, please use the "Redact" software to indicate the redactions that you believe are called for. Attached to this Protocol is a redaction key setting forth the categories of information for which redactions are appropriate. Be sure to indicate, for each proposed redaction, the grounds you believe are applicable. While the attached key sets forth the grounds in more detail, in summary they are:

- a. Implicates individual privacy interests;
- b. Non-responsive material (such as in multi-subject documents);
- c. Reveals sensitive investigative techniques;
- d. Reveals investigative targets or subjects;
- e. Reveals sensitive investigative details.

Thank you again for assisting in this review.

Congress of the United States
Washington, DC 20515

July 11, 2011

The Honorable Eric H. Holder, Jr.
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Dear Attorney General Holder:

As our investigation into Operation Fast and Furious has progressed, we have learned that senior officials at the Department of Justice (DOJ), including Senate-confirmed political appointees, were unquestionably aware of the implementation of this reckless program. Therefore, it is necessary to review communications between and among these senior officials. As such, please provide all records relating to communications between and among the following individuals regarding Operation Fast and Furious:

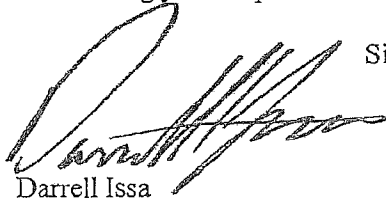
- 1) David Ogden, Former Deputy Attorney General;
- 2) Gary Grindler, Office of the Attorney General and Former Acting Deputy Attorney General;
- 3) James Cole, Deputy Attorney General;
- 4) Lanny Breuer, Assistant Attorney General;
- 5) Kenneth Blanco, Deputy Assistant Attorney General;
- 6) Jason Weinstein, Deputy Assistant Attorney General;
- 7) John Keeney, Deputy Assistant Attorney General;
- 8) Matt Axelrod, Associate Deputy Attorney General;
- 9) Ed Siskel, Former Associate Deputy Attorney General;
- 10) Brad Smith, Office of the Deputy Attorney General;
- 11) Kevin Carwile, Section Chief, Capital Case Unit; and
- 12) Joseph Cooley, Criminal Fraud Section.

The Honorable Eric H. Holder, Jr.
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These records should include e-mails, memoranda, briefing papers, and handwritten notes. Additionally, any records related to communications referring to a large firearms trafficking case within the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) or in Phoenix should be included in any production.

Please provide this information no later than July 18, 2011, at noon. If you have any questions regarding this request, please contact Tristan Leavitt in Ranking Member Grassley's office at (202) 224-5225 or Henry Kerner of Chairman Issa's Committee staff at (202) 225-5074. I look forward to receiving your response.

Sincerely,



Darrell Issa
Chairman
House Committee on
Oversight and Government Reform



Charles E. Grassley
Ranking Member
Senate Committee on the Judiciary

cc: The Honorable Elijah E. Cummings, Ranking Member
U.S. House of Representatives, Committee on Oversight and Government Reform

The Honorable Patrick J. Leahy, Chairman
U.S. Senate, Committee on the Judiciary