

# **EXHIBIT A**

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April 28, 2021  
via electronic mail

Bureau of Alcohol, Tobacco, Firearms and Explosives  
Attn: Disclosure Division, Room 4E.301  
99 New York Ave, NE  
Washington, DC 20226  
Email: [foiamail@atf.gov](mailto:foiamail@atf.gov)  
Fax (202) 648-9619

Re: FREEDOM OF INFORMATION ACT (FOIA) REQUEST  
of Gun Owners of America and Gun Owners Foundation regarding  
NICS Audit Log Review (Monitoring)

Dear Sirs:

We represent Gun Owners of America (“GOA”) and Gun Owners Foundation (“GOF”), and submit this Freedom of Information Act (“FOIA”) request on their behalf to the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”).

GOA is a nonprofit social welfare organization exempt from federal income tax under section 501(c)(4) of the Internal Revenue Code. GOA’s tax-exempt mission and purposes include educating the public and conducting activities in defense of the Second Amendment and the right to keep and bear arms. GOA’s principal office is located at 8001 Forbes Place, Suite 202, Springfield, Virginia 22151. (For further information on GOA, please see <https://gunowners.org>.) GOF is a Virginia non-stock corporation, organized and operated as a non-profit legal defense and educational foundation that is exempt from federal income taxes under Section 501(c)(3) of the Internal Revenue Code. GOF is supported by gun owners across the country. (For further information on GOF, please see <https://www.gunowners.com/>.)

**Record Request**

It has come to our attention that the ATF, the FBI, and perhaps other government entities are utilizing the NICS system not for determining whether a prospective purchaser is prohibited from purchasing a firearm, but to conduct covert surveillance on individuals. In

fact, it is reported that “[m]onitoring records is designed for suspects that [sic] are not prohibited.”

Therefore, we hereby seek the following records related to NICS Audit Log Review (Monitoring):

- (a) records showing the number of individuals for whom ATF is requesting or has requested NICS monitoring, during the 12-month period preceding this request;
- (b) records demonstrating the purpose(s) for which each individual has been monitored (*i.e.*, suspected straw purchases, false statements, etc.);
- (c) records discussing the legality of NICS monitoring;
- (d) records demonstrating the number of individuals prosecuted as a result of being “monitored” by the program (criminal case docket numbers will suffice); and
- (e) records demonstrating any reported unlawful or otherwise improper misuse of NICS monitoring by ATF personnel (or contractors of ATF).

If any of the information sought above is publicly available, please provide us with the location(s) of that information. Please email the documents to [wjo@mindspring.com](mailto:wjo@mindspring.com), or mail them to the following address:

Robert J. Olson, Esquire  
William J. Olson, P.C.  
370 Maple Ave W., Suite 4  
Vienna, VA 22180-5615

### **Fee Waiver Request**

We request that the search, review, and copying fees be waived as provided under section 5 U.S.C. § 552(a)(4)(A) and 28 CFR 16.10(k). GOA and GOF are nonprofit organizations seeking the requested documents to educate the public on a matter of great public importance, by releasing information that — in addition to contributing to public understanding on the workings of government — may have great effect on substantive policy discussions relating to the exercise of citizens’ rights under the Second Amendment. GOA and GOF routinely publish the results of findings from documents they receive through FOIA requests, free-of-charge on their websites, in releases to members and supporters, and through dissemination of information to the news media.

The fees should be waived because release of the requested documents is in the public interest, and the requested information is likely to contribute significantly to public

understanding of the operations or activities of the government. Additionally, the records sought by GOA and GOF are likely to contribute significantly to public understanding of the operations or activities of the government.

The release of the requested documents is not primarily for any commercial interest or purpose, including any commercial interest of GOA or GOF. GOA and GOF intend to disseminate to the general public, free of charge, any important information it obtains as a result of this request.

If our clients' waiver request is denied, we would appreciate an estimate of the costs involved in procuring any of the requested documents if such costs exceed \$250. If the costs do not exceed \$250, however, we do not need an estimate, and we will guarantee payment.

We request that the 20-day response time imposed by 5 U.S.C. § 552(a)(6)(A)(i) and 28 CFR 16.6(b) be adhered to strictly. We look forward to hearing from you within 20 business days.

Thank you for your prompt attention to this request.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Rob Olson".

Robert J. Olson

RJO:ls

cc: Gun Owners of America  
Gun Owners Foundation