

WILLIAM J. OLSON, P.C.

ATTORNEYS AT LAW

370 MAPLE AVENUE WEST, SUITE 4

VIENNA, VIRGINIA 22180-5615

TELEPHONE (703) 356-5070

FAX (703) 356-5085

E-MAIL: wjo@mindspring.com

<http://www.lawandfreedom.com>

114 CREEKSIDE LANE
WINCHESTER, VA 22602-2429
TELEPHONE (540) 450-8777
FAX (540) 450-8771

WILLIAM J. OLSON
(VA, D.C.)

ROBERT J. OLSON
(VA, D.C.)

JEREMIAH L. MORGAN
(D.C., CA ONLY)

HERBERT W. TITUS
(1937-2021)

September 8, 2023

via FBI eFOIPA portal

Federal Bureau of Investigation
Attn: FOI/PA Request
Record/Information Dissemination Section
170 Marcel Drive
Winchester, VA 22602-4843

Re: FREEDOM OF INFORMATION ACT (FOIA) REQUEST
of Gun Owners of America and Gun Owners Foundation regarding
“NICS Monitoring Services”

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 Federal Bureau of Investigation (“FBI”).

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. 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 U.S. Internal Revenue Code. GOF is supported by gun owners across the country, and through contributions made through the Combined Federal Campaign. GOA and GOF’s principal office is located at 8001 Forbes Place, Suite 202, Springfield, Virginia 22151. (For further information on GOA, please see <https://gunowners.org>. For further information on GOA, please see <https://gunowners.com>.)

Record Request

On April 28, 2021, on behalf of our clients, we submitted a FOIA request to the FBI, asking for various categories of records relating to the FBI’s NICS Monitoring Program, whereby the FBI monitors and records the firearm purchases by individuals for whom such monitoring is requested by law enforcement. That FOIA request was given FOIPA Request No.: 1495550-000 by the FBI. Thereafter, the FBI sent various productions, consisting of several pages of FBI

SOP's related to "NICS Monitoring Services," along with two spreadsheets consisting of the total number of persons being monitored at the request of the ATF and the FBI.

It has now come to light that the FBI's response to our April 28, 2021 FOIA request was deficient and incomplete, as the FBI did not fully produce all requested records for certain categories in our request, specifically item (b), which requested "records demonstrating which government entities, whether state or federal, including agencies, bureaus, law enforcement departments, etc., have utilized the NICS Audit Log Review (Monitoring) 'service' provided by the FBI within the 24-month period preceding this request."

Specifically, when the FBI produced spreadsheets showing only (1) requests *by the ATF* for monitoring and (2) requests *by the FBI* for monitoring, that led us to believe that *only* the FBI and ATF make such requests for NICS Monitoring.

But that is not the case. As we have now discovered as part of litigation against ATF on a similar FOIA request (Docket No. 21-cv-2919, U.S.D.C. D.C.), several *other* federal and agencies and entities have requested NICS monitoring. For example, ATF records show that at least one "AUSA" requested NICS Monitoring, along with the Kansas City Missouri Police Department, the New York Police Department, and likely other entities and organizations.

Thus, since the FBI's response to our April 28, 2021 FOIA request was deficient and incomplete, we are renewing that request, as follows:

- (a) records showing **ALL** government entities, federal, state, or local, which have sought NICS Monitoring, whether or not such monitoring actually has been approved or performed, within the 24-month period preceding this request (we do not seek records that already have been provided by the FBI, or by the ATF in case 21-cv-2919); and
- (b) records demonstrating the **COMPLETE** number of **ALL** individuals currently being "monitored" by the program as of the date you begin to process this request, and records demonstrating the number of persons who have been "monitored" within the 12-month period preceding this request (the FBI's prior provision of charts showing **only** ATF and FBI requests for monitoring is not sufficient).

Please email the documents to wjo@mindspring.com, or mail the documents 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,



Robert J. Olson

RJO:ls

cc: Gun Owners of America
Gun Owners Foundation