

Exhibit 1

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April 21, 2011

via E-mail to foiamail@atf.gov and

via fax to (202) 648-9619

Ms. Averill P. Graham, Division Chief
Bureau of Alcohol, Tobacco, Firearms and Explosives
Disclosure Division
99 New York Avenue, NE, Room 1E-400
Washington, DC 20226

Re: FREEDOM OF INFORMATION ACT (FOIA) REQUEST
of Gun Owners Foundation

Dear Ms. Graham:

We represent, and submit this Freedom of Information Act ("FOIA") request on behalf of, Gun Owners Foundation ("GOF"). This FOIA request is directed to the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"). GOF was incorporated in Virginia in 1983, and is exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code. Among other things, GOF's purpose is to educate the public, and litigate in defense of the Second Amendment and the right to keep and bear arms. GOF's principal office is located at 8001 Forbes Place, Suite 102, Springfield, Virginia 22151. (For further information on GOF, please see www.gunowners.com.)

In making this request, we want to call your special attention to the message of President Obama, in his January 21, 2009 Memorandum for the Heads of Executive Departments and Agencies, and the President's following directive:

The Freedom of Information Act should be administered with a clear **presumption**: In the face of doubt, **openness** prevails.... [i]n responding to requests under the FOIA, executive branch agencies ... should act **promptly** and in a spirit of cooperation, recognizing that such agencies are servants of the public.

All agencies should adopt a **presumption in favor of disclosure**, in order to renew their commitment to the principles embodied in FOIA, and to usher in a new era of open Government. The presumption of disclosure should be applied to all decisions involving FOIA. [74 *Fed. Reg.* 4683-84 (Jan. 26, 2009) (emphasis added);

[http://www.whitehouse.gov/the_press_office/FreedomofInformationAct/.](http://www.whitehouse.gov/the_press_office/FreedomofInformationAct/)]

We look forward to ATF's processing this FOIA request "promptly," and with a "presumption in favor of disclosure," in accordance with this Presidential directive. *See also* Attorney General Holder's Memorandum for Heads of Executive Departments and Agencies (March 19, 2009) (issued pursuant to the President's January 21, 2009 FOIA Memorandum, underscoring our nation's fundamental commitment to open government).

Instructions

In an effort to simplify this request and avoid any possible confusion, the following instructions clarify and govern this FOIA request:

1. "Records," as used herein, means and includes, without limitation, any information that is an agency record subject to the requirements of the Freedom of Information Act, in any format, including an electronic format.
2. "Pertaining to" or "relating to" a record, as used herein, means mentioning, explaining, or otherwise being connected to a record — for example, containing information with respect to the origin of the record, its interpretation or its meaning — whether dated or created prior to, contemporaneous with or subsequent to the record in question.
3. If an exemption is claimed with respect to a particular record, please state particularly the exemption claimed and the reason for claiming it. Please provide any part or parts of such record for which an exemption is not claimed, along with a general description of the part withheld.
4. If ATF is aware of the existence of records sought by this request but is not in the possession of those records, please state specifically what person(s) or agency(ies) have possession of those records.

Record Request

Pursuant to the FOIA, 5 U.S.C. section 551, *et seq.*, and the ATF's implementing regulations, 31 C.F.R. section 1.1, *et seq.*, we hereby request copies of all records specified below in the possession or control of ATF and **dated or created between January 1, 2011 and the date of this request (or, if later, the date ATF begins its search for the records sought in this request), as follows:**

- (1) All records pertaining or relating to the March 16, 2011 letter from Congressman Darrell Issa, Chairman of the House Committee on Oversight and Government Reform, requesting that ATF produce documents related to "Project Gunrunner" and ATF's involvement in firearms being smuggled into Mexico.

(2) All records containing, pertaining to or relating to any response to Congressman Issa's letter of March 16, 2011.

(3) (a) All records pertaining or relating to ATF's preparation of any response to Congressman Issa's requests, but not including any ATF documents actually produced unless otherwise requested herein;

(b) all records pertaining or relating to ATF's decision on whether and how to respond to Congressman Issa's request, including, but not limited to, correspondence, e-mail, and notes; and

(c) all records from the date of Congressman Issa's March 16, 2011 letter through the date of this request (or, if later, the date ATF begins its search for the records sought in this request) pertaining or relating to "Project Gunrunner" and "Operation Fast and Furious" and firearms smuggling and "straw purchases," specifically related to cross-border movement of firearms between the U.S. and Mexico.

(4) A copy of Congressman Issa's subpoena to ATF following ATF's apparent failure to respond to Congressman Issa's March 16, 2011 letter.

Please note that this request does not necessarily seek disclosure of the records that were sought by Congressman Issa in his letter or subpoena, unless such records are specifically requested in paragraph numbers 1-4 above.

Please mail the documents to the following address:

William 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 31 C.F.R. § 1.7(d). GOF is a nonprofit organization 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 firearms and the Second Amendment. 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. The requested documents pertain to the operations and activities of the federal government — concerning important issues regarding the operation and function of the ATF, specifically in relation to “Project Gunrunner” and the movement of firearms between the United States and Mexico. These are matters of great public interest and importance to American citizens. The records sought by 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 GOF. GOF intends to disseminate to the public, free of charge, any important information it obtains as a result of this request.

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

Expedition Requested

The operations of the ATF with respect to “Project Gunrunner” and the movement of firearms cross border between the United States and Mexico is a public policy issue of great importance to all Americans, and gun owners in particular. This issue has received significant attention in the media. All of these factors lead us to request that the 20-day response time imposed by 31 C.F.R. § 1.5(h) 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,



John S. Miles

JSM:ls

cc: Gun Owners Foundation