

Public Record Media, LLC  
Matt Ehling, President  
2375 University Ave W  
Saint Paul MN 55114

August 25, 2010

Elizabeth Farris  
Supervisory Paralegal  
Office of Legal Counsel  
Room 5515, 950 Pennsylvania Avenue, NW  
Department of Justice  
Washington DC 20530-0001

RE: FOIA request #FY10-56. Notice of offer to assist.

Dear Ms. Farris,

On May 4 of 2010, I submitted a Freedom of Information Act request to your office. Your office has subsequently assigned this request tracking number FY10-56.

In correspondence dated June 15, 2010, Special Counsel Paul Colborn noted that your office would be unable to comply with the twenty-day statutory deadline for responding to the initial request.

In his letter, Mr. Colborn did not set forth a specific time frame for responding to the request. Instead, he suggested that we discuss an alternative time frame for resolving this matter.

I am writing to notify you that I am not, at this time, exercising my options under FOIA to seek either administrative or judicial review of this matter in order to compel compliance with the time limits on the FOIA.

I do not wish to pursue these options at this point, because I feel that a cooperative approach is better suited to resolving the situation. Therefore, as a first step, I am limiting the scope of my inquiry to the following subset of the original, requested materials:

My original request sought "Any and all OLC opinions written during the time period from January 1, 1993, to December 31, 2005, relating to Title XI, subtitle A of the Violent Crime Control and Law Enforcement Act of 1994, known colloquially as the Federal Assault Weapons Ban."

I would now like to limit my request to OLC opinions from the above time period that address the constitutionality of section 110102 (a) of the Violent Crime Control and Law Enforcement Act of 1994, which was later codified as subsection (v) of section 922 of Title 18, U.S.C. Among other things, the language of this section made it unlawful to "possess an automatic assault weapon."

In light of this change, I am seeking your best estimate of when your office would be able to make a determination about the release of materials that are responsive to this revised request. I would urge that the proposed time frame be reasonable, in light of the President's guidance to executive agencies on FOIA compliance and timeliness, as set forth in his January 21, 2009 memorandum entitled "Memorandum for the Heads of Executive Departments and Agencies."

Please let me know what I can do to aid your efforts to release the requested materials. While I do not intend to pursue administrative or judicial remedies at this time, I may revisit this decision in the future, based upon the time frame proposed by your office.

Sincerely,

A handwritten signature in black ink, appearing to read "ME", written over a light blue circular stamp.

Matt Ehling  
President, Public Record Media, LLC

cc:  
Paul Colborn  
Special Counsel