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July 23, 2005

Ms. Dorothy Chambers, Chief
Disclosure Services
Bureau of Alcohol, Tobacco, Firearms and Explosives
650 Massachusetts Avenue, N.W.
Washington, D.C. 20226

Re: Freedom of Information Act Request

Dear Ms. Chambers:

This is a request for information under the Freedom of Information Act (FOIA), and I respectfully request that all correspondence regarding this request be directed to me at the address listed at the top of this letter.

I request a copy of all reports, memorandums, legal analyses and memorandums, and descriptions of how the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), or more likely its predecessor organizations, implemented War Department Circular No. 155, dated May 28, 1945, and similar Circulars from the War Department and other branches of the United States Armed Forces, regarding machine guns that various World War II soldiers legally brought or sent back to the United States under the laws in effect at the time, and to retain the machine guns as their personal property.

I am also specifically requesting any ATF documents, memorandums or legal analyses that were created in response to War Department Circular No. 155, dated May 28, 1945, as well as to similar directives during 1943 to 1946 that authorized soldiers to bring or send machine guns back to the United States, and to retain the machine guns as their personal property. I am enclosing a copy of a partially redacted "CERTIFICATE" that was issued under the authority of the foregoing Circular, for ATF's convenience of reference. While I possess a copy of the CERTIFICATE, it seemed prudent to remove the name of the soldier as well as the serial number of the firearms involved, for privacy reasons. I would emphasize that in this request, I am not requesting any information that would inappropriately disclose private information; I am requesting only public policy information about how the war trophy program authorized by the Government was implemented with respect to World War II soldiers.

I would also note that a regulation for "Registration of Firearms as defined in section 2733 of the Internal Revenue Code sent or brought into the United States by members of the armed forces" was published in the Internal Revenue Bulletin, *Cumulative Bulletin* 1945, January-December 1945,

pages 457-458, which stated that during 1943 to 1945, Army and Navy personnel "were permitted to bring or send into the United States captured enemy equipment, including firearms" as defined under the National Firearms Act (NFA) of 1934.¹

I think these documents are most likely to be located in the Office of General Counsel at ATF, in a section or sections dealing with (1) the importation of machine guns, as well as (2) the lawful possession of machine guns by returning World War II veterans, who brought or sent machine guns back to the United States as authorized by War Department Circular No. 155, dated May 28, 1945, as well as similar Circulars issued by the War Department and other military organizations.

Finally, I believe the foregoing information may be located in an ATF office or group that acts as a liaison between ATF and the Department of Defense, which absorbed the War Department and most likely retains relevant records pertinent to this FOIA request. It seems likely that some documents exist that establish what procedures were agreed upon by ATF and the War Department, as well as other military organizations, on the implementation of War Department Circular No. 155, dated May 28, 1945, as well as similar Circulars issued by the War Department and other military organizations. I would presume such documents would include descriptions of the procedures used and documents issued or recognized that continued to entitle World War II soldiers to retain machine guns as their personal property in the United States.

I am a private requestor and am not requesting any fee waivers and am willing to pay up to \$200 for this information. If you believe the cost of obtaining this information will exceed \$200, please contact me with an estimate of the costs and I will then make a decision as to whether to proceed further with this request.

If there are any questions regarding this FOIA, please contact me.

Thank you.

Sincerely,

[signed—Eric M. Larson]

¹There is, however, an ATF Memorandum dated October 1, 1946, that states "Customs Circular Letter of October 28, 1943 and War Department Circular No. 217 of June 1, 1946 permitted members of the armed forces to bring or ship into the United States as war trophies items of capture enemy equipment including machine guns and other automatic weapons subject to the National Firearms Act." This Memorandum also identified "A.T. Circular No. 851" as a document that is relevant to war trophy machine guns. I respectfully request that ATF include all of these specific documents as being included in the group of documents that I am currently requesting in this FOIA request. I suppose it is difficult to be certain, but it seems logical that ATF would still possess copies of these documents for chain-of-evidence reasons, and similar or related legal issues.

