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May 18, 2005

Federal Bureau of Investigation
J. Edgar Hoover Building
935 Pennsylvania Avenue, NW
Washington, D.C. 20535-0001

Federal Bureau of Investigation
District Office
One Center Plaza, Suite 600
Boston, MA 02108

**Re: REQUEST UNDER FREEDOM OF INFORMATION ACT/
Expedited Processing Requested**

To whom it may concern:

This letter constitutes a request under the Freedom of Information Act, 5 U.S.C. § 552("FOIA"), and the Department of Justice implementing regulations, 28 C.F.R. § 16.11, by the American Civil Liberties Union of Massachusetts and the American Civil Liberties Union Foundation of Massachusetts ("ACLU"), on its own behalf, and on behalf of the American Friends Service Committee - New England Regional Office ("AFSC"), American -Arab Anti-Discrimination Committee, Massachusetts Chapter, ("ADC"), International Action Committee Boston ("IAC Boston), John W. Roberts, Howard Zinn, Noam Chomsky, Charles "Chuck" Turner, Elaine Hagopian, Joseph Gerson, Kazi Toure, Stevan Kirschbaum, Yaju Dharmaraja and Naseer Aruri (the "Requestors").

The Requestors

The American Civil Liberties Union of Massachusetts is the statewide affiliate of the American Civil Liberties Union (collectively, "ACLU"), a national organization that works to protect civil rights and civil liberties. The ACLU has challenged the United States government's broad targeting and surveillance of innocent people as part of the war on terrorism, the government's crackdown on criticism and dissent, the secret and unchecked surveillance powers of the USA PATRIOT Act, the excessive restriction of government information available through the Freedom of Information Act, the unfair questioning and targeting of immigrants, the unfair detention and treatment of people

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detained in the U.S. as part of the war on terrorism, and the unlawful detention and abuse of prisoners held by the U.S. government in detention facilities overseas.

In particular, ACLU attorneys around the country have provided direct representation to individuals and organizations targeted by the FBI and state and local police for exercising their First Amendment right to criticize the government, including people who participated in numerous rallies and marches to protest the war in Iraq and who protested at the 2004 Republican and Democratic National Conventions. ACLU advocates have also used litigation, lobbying, and public education to limit oppressive FBI and state and local police monitoring, interrogation, and arrest of people at public rallies, marches, and meetings. ACLU attorneys also have filed lawsuits challenging three of the most controversial surveillance provisions of the USA PATRIOT Act: Section 215, which authorizes the FBI to obtain an unlimited array of personal records about innocent people through secret court orders; Section 505, which authorizes the FBI to issue National Security Letters (NSL) demanding certain kinds of personal records without court oversight; and Section 218, which greatly expands the FBI's power to obtain wiretaps. ACLU attorneys and local volunteer attorneys have also provided direct representation to thousands of individuals interrogated by the FBI as part of its "voluntary" interview and special registration programs for Muslims and people of Arab and South Asian descent.

The ACLU regularly holds public membership meetings at which a wide range of civil liberties issues are discussed and debated. FBI Director Robert Mueller spoke at the ACLU annual membership conference in June 2003. FBI whistleblower Colleen Rowley and former national security advisor Richard Clarke spoke at the ACLU annual membership conference in July 2004. The ACLU also routinely provides information to the public and the media through print and online communications about the erosion of civil rights and civil liberties after September 11, 2001 and encourages ACLU members and activists to oppose government anti-terrorism policies that unnecessarily violate civil rights and civil liberties. Massachusetts staff and volunteers for the ACLU have appeared at numerous public forums sponsored by other organizations to oppose the USA PATRIOT Act and other policies and actions of the Bush Administration since 2001.

American Friends Service Committee - New England Regional Office, is a regional division of the American Friends Service Committee (collectively "AFSC"). AFSC, the winner of the Nobel Peace Prize in 1947, carries out service, development, social justice and peace programs throughout the world. Founded by Quakers in 1917, its work is based on the Quaker belief in the worth of every person and faith in the power of love to overcome violence. The New England Regional Office, one of nine regional offices of

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AFSC, was established in 1926 to conduct work related to peace education, abolition of the death penalty and race relations. The New England Regional Office of AFSC, located in Cambridge, MA, has special projects focused on criminal justice, immigrant rights, peace education, economic justice, youth work and material assistance. AFSC – New England is aware of surveillance conducted against one of its staff members, who was followed by several cars containing plainclothes law enforcement agents during the two week period surrounding the Republican National Convention in August 2004. At least one of agents identified himself to AFSC staff as working for “homeland security.” They are also aware that AFSC regional offices in Denver and Chicago have been under surveillance, and that the organization has been cited by law enforcement as a “potential threat entity.”

American-Arab Anti-Discrimination Committee-Massachusetts Chapter is the state affiliate of the American Arab Anti-Discrimination Committee (collectively “ADC”). ADC is a non-profit civil rights advocacy organization dedicated to eradicating discrimination against people of Arab descent and promoting their rich cultural heritage. ADC, the largest Arab American grass-roots organization in the United States, has documented government abuse of Arab Americans in the aftermath of September 11 and protested new immigration procedures, interrogation techniques and the detention of Arab American. In particular, ADC has offered guidance and advice to individuals who have been targeted as a result of the FBI’s sweeping surveillance and interrogation of Arab and Muslim Americans, and has publicly protested the FBI’s use of race, religion and national origin as a basis for selecting persons for questioning. The Massachusetts Chapter of ADC founded in the mid 1980s. ADC-Massachusetts Chapter deals with discrimination in housing, employment, education and public access, with hate crimes and immigrant advocacy. It works in coalition with both immigrant and civil liberties groups. When initiating a protest campaign in the fall of 2003 directed at Fleet Bank for its closure of accounts in the Muslim community of Greater Boston, there was evidence that the local police, and possibly state and federal law enforcement agents, had the local office under surveillance.

International Action Committee Boston (IAC Boston) is an affiliate of the International Action Center (IAC), which was launched in 1992 by former U.S. Attorney General Ramsey Clark and others who had worked together against the Gulf War. Its stated purpose is to organize and promote resistance to U.S. militarism, war, and corporate greed, linking with struggles against racism and oppression within the United States. IAC Boston is an organizer and active participant in the coalition known as Boston Act Now to Stop War and End Racism (Boston ANSWER) and its successor, the Boston Troops Home Now Coalition. IAC Boston has organized and played a leading role in numerous political activities to protest the war in Iraq and political

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oppression in the United States, including protests at both the Democratic and the Republican national conventions in 2004. IAC Boston participants in these events and others were subjected to extensive government surveillance. For example, buses chartered by IAC to transport people to New York for protests at the Republican National Convention in 2004 were followed from Boston to New York by several government vehicles.

John W. Roberts is a former Presbyterian minister who served in the inner cities of New York, Cleveland and Chicago. He was the Executive Director of the ACLU of Massachusetts from 1970 through 2003. Between September 11, 2001 and December of 2003, when he retired from the ACLU, he made dozens of appearances throughout the state in local forums, debates, and through the news media, speaking out against the United States government's broad targeting and surveillance of innocent people as part of the war on terrorism, the government's crackdown on criticism and dissent, and the government's use of secret surveillance powers under the USA/PATRIOT Act and policy directives of the Department of Justice. Since his retirement, he has continued as an active critic of U.S. government policies. As a board member and President of the Board of the Massachusetts Immigration and Refugee Advocacy (MIRA) Coalition, he has focused public attention on issues of detention, deportation and curtailed civil liberties of immigrants. In recent years he has traveled to Israel, Palestine and Syria with local delegations concerned with human rights.

Howard Zinn is an historian, a playwright, and a social activist. He has taught at Spelman College and Boston University, and has been a visiting professor at the University of Paris and the University of Bologna. The author of "A People's History of the United States" and a regular contributor to The Progressive, his writings and lectures have been consistently critical of United States foreign policy, the war in Iraq and the erosion of civil liberties. He recently observed that "We need to rethink our position in the world. We need to stop sending weapons to countries that oppress other people. We need to decide that we will not go to war, whatever reason is conjured up by the politicians or the media, because war in our time is always indiscriminate, a war against innocents, a war against children. War is terrorism, magnified a hundred times."

Noam Chomsky, who has taught linguistics at the Massachusetts Institute of Technology since 1955, is one of America's most prominent intellectuals and outspoken political dissidents. Ever since he first became involved in activism as an outspoken critic of the Vietnam War, he has commanded a huge following in the nation and internationally. He has lectured to overflowing audiences around the world, and written hundreds of books on a variety of subjects, including US foreign policy issues and the role of the corporate media. As a measure of his global influence, he is the only living

person on a list of the ten most quoted sources.

Charles “Chuck” Turner is the elected representative of District 7 on the Boston City Council. He has been a life-long advocate and for racial and economic justice. Beginning in the mid-1960's, he led the struggle against job discrimination in Boston, focusing initially on the construction industry and later on the need to expand opportunities for in all sectors of the economy. He led efforts to promote community development in Roxbury. Continuing a long career as a social and political activist in Boston, he was elected to the Boston City Council in 1999. He has frequently criticized the federal government's restriction of civil Liberties and was the sponsor of the proposed resolution stating the City of Boston's opposition to the USA/ PATRIOT Act.

Elaine Hagopian, is Professor Emerita of Sociology, Simmons College, Boston and one of the nationally-known leaders of the Arab American community. She served on the Smith College (Northampton) faculty from 1962-1967). She was the recipient of two Fulbright-Hays Faculty Research Grants to do research on Palestine and Lebanon (1971, 1983). She held a visiting professor appointment at the American University/Beirut, and Distinguished Lecturer at American University/Cairo. She is one of the founders of the Association of Arab-American University Graduates, and served as its president in 1976. In 1999 she co-founded the Trans-Arab Research Institute (1999). She was the major organizer of the first conference on the “Right of Return: Palestinian Refugees and a Durable Peace” held at Boston University Law Auditorium, April 8, 2000. Her most recent publication is a book she edited, "Civil Rights in Peril: The Targeting Arabs and Muslims," Haymarket and Pluto Books, 2004. She has traveled widely in the Middle East and in May/June 2004, led a delegation of twenty people to meet with Palestinian Refugees in Lebanon and Syria to understand the plight of these forgotten refugees. Hagopian is a frequent public speaker on Middle East issues, and she serves as a political interviewer for Arabic Hour Television in Boston. She has also been involved in local activist efforts for Palestinian rights.

Joseph Gerson is the Director of Programs for the New England regional Office of the American Friends Service Committee, and is specifically responsible for the AFSC's Middle East and Peace and Economic Security Programs. Prior to joining the AFSC, he was Staff Coordinator for War Resisters' International in London and Brussels. He is the author of numerous books and articles critical of U.S. foreign policy, a frequent speaker on issues of peace, justice and nuclear disarmament and a regular participant in international efforts to promote world peace. He was a founding member of the Asia Peace Assembly in Manila, and has been the keynote speaker at meetings of World Council Against Atomic and Hydrogen Bombs held in Hiroshima and Nagasaki. In January 2005, he addressed the plenary session of the Anti-War Assembly in

Hyderabad, India on the perspective and planned activities of the U.S. peace movement.

Kazi Toure, formerly known as Christopher King, has for the past fourteen years devoted his energy to the cause of reforming our prisons and our system of justice, and has actively opposed the war in Iraq. Until 2004, he was employed by the American Friends Service Committee in its Criminal Justice Program. He has been the subject of active surveillance by government agencies. In the summer of 2004, he was targeted by the New York Police Department which identified him as one of a group of 50 top anarchists coming to New York for the Republican National Convention and claimed that he “was observed training younger militants in weapons use.” Although these claims were false, he was subject to twenty-four hour a day surveillance and was followed wherever he went by three and sometimes four government vehicles. The FBI refused to confirm or deny its involvement in the surveillance.

Stevan Kirschbaum is the Chief Shop Steward for the United Steel Workers of America, Local 8751 (Boston School Bus Drivers) and serves as Co-coordinator of International Action Committee Boston (IAC Boston) and as a member of the Steering Committee of the Boston Troops Out Now coalition. Over the course of more than twenty-five years, he has organized countless protests of American foreign policy, including, most recently, protests at the Democratic National Convention in July 2004 and the Republican National Convention in August 2004 and the New England Million Worker March in October 2004.

Yaju Dharmaraja, a native of Sri Lanka, is employed as a union organizer by the Service Employees International Union. In 2002, Dharmaraja and his wife, who were considering working in refugee camps in Africa or Asia, sought information about obtaining training as disaster relief workers from the Massachusetts Emergency Management Agency. Officials at MEMA reported this to the FBI, describing them as terrorists. An FBI agent and a local police officer detailed to the Joint Terrorism Task Force (JTTF) came to their home and inquired whether they were terrorists and what organizations they were affiliated with.

Naseer Aruri is Chancellor Professor Emeritus at the University of Massachusetts at Dartmouth and has lectured at over 200 universities worldwide. Born in Jerusalem, he is a leading Palestinian-American intellectual, who has written several books critical of US Middle East policy. Once a member of the Palestine National Council (Parliament in exile) he has also been an outspoken activist for Palestinian human and national rights. He is a former co-chair of Amnesty International, the chair of the Board of the Trans Arab Research Institute and a founding member of the Independent Palestinian Commission for the Protection of Citizens Rights.

The Request for Information

The Requestors¹ seeks disclosure of any records created from January 1, 2000 to the present, that were prepared, received, transmitted, collected and/or maintained by the FBI, the National Joint Terrorism Task Force, or any Joint Terrorism Task Force relating or referring to the following:

1. Any records relating or referring to the Requestor, including, but not limited to, records that document any collection of information about, monitoring, surveillance, observation, questioning, interrogation, investigation and/or infiltration of the Requestor or its activities;²
2. Any orders, agreements, or instructions to collect information about, monitor, conduct surveillance of, observe, question, interrogate, investigate, and/or infiltrate the Requestor;
3. Any records relating or referring to how, why or when the Requestor was selected for collection of information, monitoring, surveillance, observation, questioning, interrogation, investigation, and/or infiltration;
4. Any records relating or referring to how collection of information about, monitoring, surveillance, observation, questioning, interrogation, investigation, and/or infiltration of the Requestor was or will be conducted;
5. Any records relating or referring to the names of any other federal, state, or local government agencies participating in any collection of information about, monitoring, surveillance, observation, questioning, interrogation, investigation and/or infiltration of the Requestor;

¹ The term "Requestor" as used herein is defined as the individuals and the organizations identified in Section I of this letter, as well as its employees, members, and board of directors.

² The term activities as used herein includes, but is not limited to, any activities of the Requestor described in Section I above, and any advocacy, provision of services, litigation, lobbying, organizing, fundraising, meetings, marches, rallies, protests, conventions, or campaigns, and any media or communications to, from or about the Requestor in any form (including any oral, written, electronic or online communications, including but not limited to any books, pamphlets, brochures, newsletters, fundraising letters, correspondence, action alerts, e-mail, web communications, discussion groups, or listservs).

6. Any records relating or referring to the specific role of the National Joint Terrorism Task Force or any local Joint Terrorism Task Force in any collection of information about, monitoring, surveillance, observation, questioning, interrogation, investigation and/or infiltration of the Requestor;
7. Any records relating or referring to the specific role of any federal, state, or local government agency participating in any collection of information about, monitoring, surveillance, observation, questioning, interrogation, investigation, and/or infiltration of the Requestor;
8. Any records relating or referring to how records about the Requestor have been, will be, or might be used;
9. Any policies or procedures for analyzing records about the Requestor;
10. Any policies or procedures for cross-referencing records about the Requestor with information contained in any database;
11. Any policies or procedures for cross-referencing records about the Requestor with information about any other organizations or individuals;
12. Any policies or procedures for cross-referencing records about the Requestor with any other information not covered in numbers 10 and 11 above;
13. Any policies or procedures regarding retention of records about the Requestor;
14. Any records referring or relating to the destruction of records about the Requestor, including any policies permitting or prohibiting the destruction of records;
15. Any records referring or relating to how records about the Requestor were destroyed or might be destroyed in the future;
16. Any records referring or relating to the recipient(s) of records about the Requestor;
17. Any policies or procedures in place to protect the privacy of records that

refer or relate to the employees, members, and/or board of directors of the Requestor;

18. Any records relating or referring to how, why or when collection of information about, monitoring, surveillance, observation, questioning, interrogation, investigation, and/or infiltration of the Requestor was or will be suspended or terminated.

Limitation of Processing Fees

The ACLU requests a limitation of processing fees pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) (“fees shall be limited to reasonable standard charges for document duplication when records are not sought for commercial use and the request is made by ... a representative of the news media...”) and 28 C.F.R. §§ 16.11(c)(1)(i), 16.11(d)(1) (search and review fees shall not be charged to “representatives of the news media.”). As a “representative of the news media,” the ACLU fits within this statutory and regulatory mandate. Fees associated with the processing of this request should, therefore, be limited accordingly.

The ACLU meets the definition of a “representative of the news media” because it is “an entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn raw materials into a distinct work, and distributes that work to an audience.” National Security Archive v. Department of Defense, 880 F.2d 1381, 1387 (D.C. Cir, 1989).

The ACLU is a national organization dedicated to the defense of civil rights and civil liberties. Dissemination of information to the public is a critical and substantial component of the ACLU’s mission and work. Specifically, the ACLU publishes newsletters, news briefings, right-to-know documents, and other educational and informational materials that are broadly disseminated to the public. Such material is widely available to everyone, including individuals, tax-exempt organizations, not-for-profit groups, law students and faculty, for no cost or for a nominal fee through its public education department. The ACLU also disseminates information through its heavily visited web site: <http://www.aclu.org/>. The web site addresses civil rights and civil liberties issues in depth, provides features on civil rights and civil liberties issues in the news, and contains many thousands of documents relating to the issues on which the ACLU is focused. The website specifically includes features on information obtained through the FOIA. See, e.g., www.aclu.org/patriot_foia; www.aclu.org/torturefoia. The ACLU also publishes an electronic newsletter, which is distributed to subscribers by e-

mail.

In addition to the national ACLU offices, there are 53 ACLU affiliate and national chapter offices located throughout the United States and Puerto Rico. These offices further disseminate ACLU material to local residents, schools and organizations through a variety of means, including their own websites, publications and newsletters. Further, the ACLU makes archived material available at the American Civil Liberties Union Archives, Public Policy Papers, Department of Rare Books and Special Collections, Princeton University Library. ACLU publications are often disseminated to relevant groups across the country, which then further distribute them to their members or to other parties.

Depending on the results of the Request, the ACLU plans to “disseminate the information” gathered by this Request “among the public” through these kinds of publications in these kinds of channels. The ACLU is therefore a “news media entity.” Cf. Electronic Privacy Information Ctr. v. Department of Defense, 241 F.Supp. 2d 5, 10-15 (D.D.C. 2003) (finding non-profit public interest group that disseminated an electronic newsletter and published books was a “representative of the media” for purposes of FOIA).

Finally, disclosure is not in the ACLU’s commercial interest. The ACLU is a “non-profit, non-partisan, public interest organization.” See Judicial Watch Inc. v. Rossotti, 326 F.3d 1309, 1310 (D.C. Cir. 2003). Any information disclosed by the ACLU as a result of this FOIA will be available to the public at no cost.

Waiver of all Costs

The ACLU additionally requests a waiver of all costs pursuant to 5 U.S.C. §552(a)(4)(A)(iii) (“Documents shall be furnished without any charge . . . if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.”). Disclosure in this case meets the statutory criteria, and a fee waiver would fulfill Congress’s legislative intent in amending FOIA. See Judicial Watch, Inc. v. Rossotti, 326 F.3d 1309,1312 (D.C. Cir. 2003) (“Congress amended FOIA to ensure that it be ‘liberally construed in favor of waivers for noncommercial requesters.’”).

Disclosure of the requested information is in the public interest. This request will further public understanding of government conduct; specifically, the FBI’s monitoring, surveillance, and infiltration of organizations on the basis of national origin,

racial and/or ethnic background, religious affiliation, organizational membership, political views or affiliation, or participation in protest activities or demonstrations. This type of government activity concretely affects many individuals and groups and implicates basic privacy, free speech, and associational rights protected by the Constitution.

Moreover, disclosure of the requested information will aid public understanding of the implications of the Department of Justice's recent decision to relax guidelines that previously restricted the FBI's ability to spy on organizations without a threshold showing of suspected criminal activity. These restrictions were created in response to the Hoover-era FBI's scandalous spying on politically active individuals and organizations, despite the complete lack of evidence that such individuals and organizations had been involved in any unlawful behavior. Understanding the current scope of the FBI's surveillance and infiltration of law-abiding organizations is, therefore, crucial to the public's interest in understanding the consequences of the Department of Justice's important change in policy.

As a nonprofit 501(c)(3) organization and "representative of the news media" as discussed in Section III, the ACLU is well-situated to disseminate information it gains from this request to the general public as well as to immigrant, religious, politically active, and other targeted communities, and to groups that protect constitutional rights. Because the ACLU meets the test for a fee waiver, fees associated with responding to FOIA requests are regularly waived for the ACLU.³

The records requested are not sought for commercial use, and the Requestor plans to disseminate the information disclosed as a result of this FOIA request through the channels described in Section III. As also stated in Section III, the ACLU will make any information disclosed as a result of this FOIA available to the public at no cost.

Expedited Processing Request

Expedited processing is warranted because there is "an urgency to inform the

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For example, the Department of Health and Human Services granted a fee waiver to the ACLU with regard to a FOIA request submitted in August of 2004. In addition, the Office of Science and Technology Policy in the Executive Office of the President said it would waive the fees associated with a FOIA request submitted by the ACLU in August 2003. In addition, three separate agencies—the Federal Bureau of Investigation, the Office of Intelligence Policy and Review, and the Office of Information and Privacy in the Department of Justice—did not charge the ACLU fees associated with a FOIA request submitted by the ACLU in August 2002.

public about an actual or alleged federal government activity” by organizations “primarily engaged in disseminating information” 28 C.F.R. § 16.5(d)(1)(ii).⁴ This request implicates a matter of urgent public concern; namely, the consequences of a recent change in government policy that has likely resulted in increased surveillance and infiltration of political, religious, and community organizations by the FBI. Such government activity may infringe upon the public’s free speech, free association, and privacy rights, which are guaranteed by the First, Fourth, Fifth, and Fourteenth Amendments to the United States Constitution. Requests for information bearing upon potential Constitutional violations require an immediate response so that any violations cease, future violations are prevented, and any chilling effect on public participation in potentially targeted groups and/or political activity be halted.

In addition, this request deals with potential disparate treatment of groups on the basis of categories such as religion, nationality and political viewpoint. Such potential unequal treatment is a matter necessitating immediate attention. There is also intense public concern, particularly among potentially targeted groups, about the actual or alleged federal government activity addressed by this request. This intense public concern is illustrated by the selection of news coverage detailed in the paragraph below.

A requestor may also demonstrate the need for expedited processing by showing that the information sought relates to “a matter of widespread and exceptional media interest in which there exist possible questions about the government’s integrity which affect public confidence.” 28 C.F.R. § 16.5(d)(1)(iv). The instant request clearly meets these standards as the request relates to possible violations of Constitutional rights by federal law enforcement and potential targeting of groups by federal law enforcement based on illicit categories of political viewpoint, race, religion and nationality. The exceptional media interest in this issue is reflected in widespread news coverage at both the local and national level. *See e.g.*, Daily Star Staff, *American Arabs Concerned Over FBI’s ‘October Plan,’* www.dailystar.com.lb, October 6, 2004; David Shepardson, *FBI Agents Hunt for Terror Leads; Agency Combs Muslim Neighborhoods for Help in Preventing Election Day Attack*, The Detroit News, October 1, 2004; Eric Lichtblau, *Subpoena Seeks Records About Delegate Lists on Web*, NY Times, August 30, 2004 at P10; Alex Bradley and John Mayer, *The War at Home: Nationwide Crackdown on Activists Part*, www.saveourliberties.com, September 2, 2004; Eric Lichtblau, *Protestors at Heart of Debate on Security vs. Civil Rights*, NY Times, August 27, 2004 at A9; Larry Abramson, *FBI Questioning Political Demonstrators*, NPR.org; Susan Greene, *Activists Decry Pre-Convention Security Tactics: Questions by FBI, The Feds*

⁴ The ACLU is “primarily engaged in disseminating information,” as discussed in Sections III and IV.

Say They 're Trying to Avoid Terror treats, But Many People Say the Steps Veer Toward Intimidation, The Denver Post, August 26, 2004 at A-08; Eric Lichtblau, *F.B.I. Goes Knocking for Political Troublemakers*, NY Times, August 16, 2004 at A1 ; Amy Herder, *Teaching the Silent Treatment*, The Denver Post, August 8, 2004 at C-01; Jayashri Srikantiah, *Few Benefits to Questioning Targeted Groups*, San Francisco Chronicle, August 6, 2004; Camille T. Taiara, *New F.B.I Witch-Hunt*, San Francisco Bay Guardian, August 4-10, 2004; Kelly Thornton, *F.B.I.'s Home Visits Have Some Muslims Feeling Harassed, Alienated*, www.Signonsandiego.com, August 4, 2004; Richard Schmitt and Donna Horowitz, *FBI Starts to Question Muslims in U.S. About Possible Attacks*, latimes.com, July 18, 2004; Karen Abbott, *FBI's Queries Rattle Activist*, www.rockymountainnews.com, July 27, 2004; Mary Beth Sheridan, *Interviews of Muslims to Broaden*, www.washingtonpost.com, July 17, 2004; Jeff Eckhoff and Mark Siebert, *Group Fights Anti-war Inquiry*, The Des Moines Register, February 7, 2004; Jeff Eckhoff and Mark Siebert, *Anti-war Inquiry Unrelated to Terror*, The Des Moines Register, February 10, 2004 at 1A; Jeff Eckhoff and Mark Siebert, *Group Fights Anti-war Inquiry*, The Des Moines Register, February 7, 2004; Monica Davey, *An Antiwar Forum in Iowa Brings Federal Subpoenas*, NY Times, February 10, 2004 at A14; Monica Davey, *Subpoenas on Anti-war Protest Are Dropped*, NY Times, February 11, 2004 at A1 8; Michelle Goldberg, *A Thousand J. Edgar Hoovers*, www.salon.com, February 12, 2004; Michelle Goldberg, *Outlawing Dissent*, www.salon.com, February 11, 2004; Kern Ginis, *Peace Fresno Seeks Damages*, The Fresno Bee, February 28, 2004; Eric Lichtblau, *F.B.I. Scrutinizes Antiwar Rallies*, www.nytimes.com, November 23, 2003.

The potential targeting of *individuals* and groups by the federal government on the basis of group membership, religion, political protest, nationality, and other similar categories raises many questions about the government's integrity and affects public confidence in a profound way. The government's - and particularly the FBI's - treatment of persons on the basis of their political viewpoints is a critical issue with a long history dating back to the founding of the nation. Questions about the government's integrity in these areas substantially affect the public's confidence in the government's ability to protect all of its citizens, and in law enforcement and the legal system. This issue has been of concern to lawmakers, including three members of the House of Representatives. *See, e.g.,* Eric Lichtblau, *Inquiry into F.B.I. Question Is Sought*, NY Times A16, August 18,2004.

Finally, pursuant to applicable regulations and statute, the ACLU expects the determination of this request for expedited processing within 10 calendar days and the determination of this request for documents within 20 days. See 28 C.F.R. 16.5(d)(4); 5 U.S.C. § 552(a)(6)(A)(i).

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If this request is denied, in whole or in part, we ask that you justify all deletions by reference to specific exemptions to FOIA. The ACLU expects the release of all segregable portions of otherwise exempt material. The ACLU reserves the right to appeal a decision to withhold any information or to deny a waiver of fees.

Thank you for your prompt attention to this matter. Please furnish all applicable records to:

John Reinstein
Legal Director
American Civil Liberties Union of Massachusetts
99 Chauncy Street
Boston, MA 02111
(617) 482-3170

I affirm that the information provided supporting the request for expedited processing is true and correct to the best of my knowledge and belief.

Sincerely,

John Reinstein

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