

May 18, 2005

Federal Bureau of Investigation  
Pittsburgh Division  
Erie Resident Agency  
717 State Street  
Suite 400  
Erie, Pennsylvania 16501-1356

Federal Bureau of Investigation  
Philadelphia Division  
William J. Green, Jr. Building  
600 Arch Street, 8<sup>th</sup> Floor  
Philadelphia, Pennsylvania 19106  
ATTN: Special Agent in Charge  
John C. Eckenrode

Philadelphia Joint Terrorism Task Force  
(JTTF)  
C/O Federal Bureau of Investigation  
William J. Green Jr. Building, 8th Floor  
600 Arch Street  
Philadelphia, Pennsylvania 19106

Federal Bureau of Investigation  
Pittsburgh Division  
3311 East Carson Street  
Pittsburgh, Pennsylvania 15203  
ATTN: Special Agent in Charge  
M. Chris Briese

Pittsburgh Joint Terrorism Task Force  
(JTTF)  
C/O Federal Bureau of Investigation  
3311 East Carson Street  
Pittsburgh, Pennsylvania 15203

Departmental Disclosure Officer  
Department of Homeland Security  
RE: FREEDOM OF INFORMATION  
ACT REQUEST  
Room 3310-15  
Washington, D.C. 20528

Federal Bureau of Investigation  
Philadelphia Division  
Harrisburg Resident Agency  
228 Walnut St, Rm. 674  
Harrisburg, Pennsylvania 17108

Federal Bureau of Investigation  
Philadelphia Division  
Allentown Resident Agency  
504 W. Hamilton St, Suite 2401  
Allentown, Pennsylvania 18101

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

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 Pennsylvania and the American Civil Liberties Union Foundation of Pennsylvania (“ACLU”), on their own behalf, and on behalf of the Coalition for Immigrants’ Rights at the Community Level, Kathleen Ann Lucas, Lehigh-Pocono Committee of Concern, Lake Erie Region Conservancy, Erie County Environmental Coalition, Allegheny Defense Project, Bread and Roses

Community Fund, Joseph Wilfinger, Thomas Merton Center, Timmy John Vining and York County Community Against Racism (collectively, the “Requestors”).

**A. The Requestors**

1. The American Civil Liberties Union of Pennsylvania and the American Civil Liberties Union Foundation of Pennsylvania (a/k/a the American Civil Liberties Foundation of Pennsylvania) (collectively, “ACLU”), are affiliated with the American Civil Liberties Union and the American Civil Liberties Union Foundation.<sup>1</sup> The ACLU and its affiliates in Pennsylvania and elsewhere work to protect civil rights and civil liberties. As the leading defender of freedom, equality, privacy, and due process rights in the United States, 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 arrested 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 rallies and marches to protest the war in Iraq, who were excluded from meaningful participation at public presidential speeches, 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 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 demanding personal records without court oversight; and Section 218, which greatly expands the

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<sup>1</sup> The American Civil Liberties Union Foundation and the American Civil Liberties Union Foundation of Pennsylvania are 501(c)(3) organizations that provide legal representation free of charge to individuals and organizations in civil rights and civil liberties cases and educate the public about civil rights and civil liberties issues. The American Civil Liberties Union and the American Civil Liberties Union of Pennsylvania are separate non-profit, non-partisan, 501(c)(4) membership organizations that educate the public about the civil rights and civil liberties implications of pending and proposed state and federal legislation, provide analyses of pending and proposed legislation, directly lobby legislators, and mobilize their members to lobby legislators.

FBI's power to obtain wiretaps. In the lawsuit challenging the National Security Letter (NSL) power, ACLU attorneys represent an anonymous Internet Service Provider that received an NSL from the FBI, and remain under a strict gag order that prevents them from disclosing certain information about the case.

ACLU 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 has also prepared and distributed a "Know Your Rights" brochure in English, Spanish, Arabic, Urdu, Hindi, Punjabi, Farsi, and Somali to educate the public about the rights of individuals during encounters with the police, the FBI, and agents of the Department of Homeland Security.

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, and encourages ACLU members and activists to oppose government anti-terrorism policies that unnecessarily violate civil rights and civil liberties.

The FBI has a history of surveillance of the ACLU. For example, declassified documents, some released pursuant to previous FOIA requests, reveal that the FBI engaged in extensive spying on the national ACLU and its growing number of regional affiliates throughout the 1940s, 1950s and 1960s, generating tens of thousands of pages of information.

2. The Coalition for Immigrants' Rights at the Community Level ("CIRCL") is a Pennsylvania non-profit corporation with its principal place of business in York, Pennsylvania. CIRCL is committed to protecting the rights of immigrants and their families by helping them to navigate the immigration process, to receive social services, to find housing and gainful employment and to obtain legal advice. Numerous immigrants for which CIRCL has provided services have been detained at the York County and Berks County Prisons. In addition, on three separate occasions in April 2004, individuals were seen outside of CIRCL's offices photographing people as they entered and exited the building. Furthermore, during a pre-protest planning meeting in December 2003, two individuals attended the meeting who were later identified by CIRCL volunteers as being undercover police officers.

3. Kathleen Ann Lucas is a resident of York, Pennsylvania and a full time human rights activist. Mrs. Lucas is the Executive Director of CIRCL and is involved in her community and in numerous organizations, including the Refugee Steering Committee for Amnesty International, the Pennsylvania Prison Society and the NAACP. On three separate occasions in April 2004, individuals were seen outside her residence (which is also CIRCL's office) taking pictures.

4. The Lehigh-Pocono Committee of Concern (“LEPOCO”) is a founding member of the Lehigh Valley Peace Coalition. For forty years LEPOCO members have shared a vision of a safer and more just world, and have worked together and in their communities for nonviolent change. LEPOCO maintains a public library of books and other materials relating to peace and social justice and works with national and local organizations. During recent peaceful demonstrations against the war in Iraq, LEPOCO members and organizers have been photographed and monitored by state and local law enforcement personnel.

5. Lake Erie Region Conservancy (the “Conservancy”) is a 501(c)(3) entity, incorporated in Pennsylvania with its principal place of business in Erie, Pennsylvania. The Conservancy is a Land Trust that works with property owners to assist them with conservation easements and is actively involved in sustainable planning for the community and water shed protection issues. In the Fall of 2004, the FBI visited the Conservancy’s office, purportedly for the purpose of a criminal investigation involving a local political official, but also to ask about the organization.

6. The Erie County Environmental Coalition (the “Coalition”) is a coalition for environmental and social justice issues and education in Erie, Pennsylvania. The Coalition is the main grass roots environmental organization in Erie Pennsylvania. In 2003, several members of the Coalition were questioned by the FBI relating to various community events.

7. The Allegheny Defense Project (“ADP”) is a 501(c)(3) entity, incorporated in Pennsylvania in 1994, with its principal place of business in Clarion, Pennsylvania. ADP is actively involved in public education on issues affecting the Allegheny National Forest. ADP is also involved in protecting the Allegheny River watershed and encouraging public involvement in management issues concerning both the Allegheny National Forest and the Allegheny River. ADP has been involved in various lawsuits against the Federal government concerning the Allegheny National Forest. During a recent Board meeting, a person was seen taking pictures of people entering and leaving the ADP office from inside a parked car.

8. Bread and Roses Community Fund (“Bread and Roses”) is a 501(c)(3) entity, incorporated in Pennsylvania with its principal place of business in Philadelphia, Pennsylvania. Bread and Roses is a public charity that makes grants to social justice organizations and provides them with board governance education, management skills development and training in community organization and political education. Numerous grantees of Bread and Roses have been followed, stopped and generally harassed by local, state and federal law enforcement agents.

9. Joseph Wilfinger is a Native American community activist who is actively involved in, among other things, the American Indian Movement (“AIM”) and labor relations. Mr. Wilfinger is a resident of Whitehall, Pennsylvania. Mr. Wilfinger is a member of his local Crime Watch and in 2002 he attended a meeting at a police station in Bethlehem, Pennsylvania at which he learned that AIM had been identified by the federal and state governments as an

alleged “terrorist” group. Since disclosing at that meeting that he has worked with AIM, Mr. Wilfinger has been informed that his name is on an FBI surveillance list.

10. The Thomas Merton Center (the “Merton Center”) is a 501(c)(3) entity, incorporated in Pennsylvania in 1972 with its principal place of business in Pittsburgh, Pennsylvania. The Merton Center is a peace and justice resource and organizing center that is actively involved in organizing non-violent resistance to war, racial and economic justice. Among other things the Merton Center is involved with organizing protests and consults with various groups concerning social change. In addition, the Merton Center works with local mosques to address the detention of Arabs and Muslims in the greater Pittsburgh area. Prior to various protests in the Pittsburgh area, the Merton Center has received visits from the Secret Service. For example, in January 2003, a Secret Service agent visited the office to discuss an upcoming protest in Pittsburgh, Pennsylvania. In addition, an intern at the Merton Center was visited by an FBI agent at his residence and asked to provide information about various activities at the Merton Center.

11. Timmy John Vining is a resident of Pittsburgh, Pennsylvania and is an active member of the Merton Center. Mr. Vining has been involved in numerous protests and other activist activities and in connection with his involvement with the Merton Center has been visited by the Secret Service at the Merton Center to discuss various protests and rallies.

12. York County Community Against Racism (“YCCAR”) was formed three years ago to address issues of racism in York County, Pennsylvania. YCCAR is actively involved in fighting racial discrimination and racial profiling in York County. YCCAR holds community action meetings and has partnered with other organizations to address race discrimination. YCCAR has reason to believe that it may be under surveillance by the FBI as a result of its partnership with other organizations.

**B. The Request for Information**

The Requestors<sup>2</sup> seek disclosure of any records<sup>3</sup> 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:

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<sup>2</sup> The term “Requestors” as used herein is defined as the organizations identified in Section A of this letter, as well as their employees, members, and boards of directors.

<sup>3</sup> The term “records” as used herein includes all records or communications preserved in electronic or written form, including, but not limited to, correspondence, documents, data, videotapes, audio tapes, faxes, files, guidance, guidelines, evaluations, instructions, analyses, memoranda, agreements, notes, orders, policies, procedures, protocols, reports, rules, technical manuals, technical specifications, (training manuals, or studies.

1. Any records relating or referring to the Requestors, including, but not limited to, records that document any collection of information about, monitoring, surveillance, observation, questioning, interrogation, investigation and/or infiltration of the Requestors or their activities;<sup>4</sup>
2. Any orders, agreements, or instructions to collect information about, monitor, conduct surveillance of, observe, question, interrogate, investigate, and/or infiltrate the Requestors;
3. Any records relating or referring to how, why or when the Requestors were 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 Requestors 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 Requestors;
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 Requestors;
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 Requestors;
8. Any records relating or referring to how records about the Requestors have been, will be, or might be used;
9. Any policies or procedures for analyzing records about the Requestors;
10. Any policies or procedures for cross-referencing records about the Requestors with information contained in any database;

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<sup>4</sup> The term “activities” as used herein includes, but is not limited to, any activities of the Requestors described in Section A 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 Requestors 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).

11. Any policies or procedures for cross-referencing records about the Requestors with information about any other organizations or individuals;

12. Any policies or procedures for cross-referencing records about the Requestors with any other information not covered in numbers 10 and 11 above;

13. Any policies or procedures regarding retention of records about the Requestors;

14. Any records referring or relating to the destruction of records about the Requestors, including any policies permitting or prohibiting the destruction of records;

15. Any records referring or relating to how records about the Requestors were destroyed or might be destroyed in the future;

16. Any records referring or relating to the recipient(s) of records about the Requestors;

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 Requestors;

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 Requestors was or will be suspended or terminated.

### **C. 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](http://www.aclu.org/patriot_foia); [www.aclu.org/torturefoia](http://www.aclu.org/torturefoia). The ACLU also publishes an electronic newsletter, which is distributed to subscribers by e-mail.

The Pennsylvania ACLU 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.

#### **D. 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 C, 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.<sup>5</sup>

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

#### **E. Expedited Processing Request**

Expedited processing is warranted because there is "an urgency to inform the public about an actual or alleged federal government activity" by organizations "primarily engaged in disseminating information" 28 C.F.R. §

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<sup>5</sup> 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.

16.5(d)(1)(ii).<sup>6</sup> 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.

Requestors 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 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,

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<sup>6</sup> The ACLU is "primarily engaged in disseminating information," as discussed in Sections C and D.

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*, 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).

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:

Mary Catherine Roper  
Staff Attorney  
American Civil Liberties Union of Pennsylvania  
P.O. Box 1161  
Philadelphia, PA 19105  
v: 215.592.1513 ext. 116  
f: 215.592.1343

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,

Mary Catherine Roper  
Staff Attorney  
American Civil Liberties Union of Pennsylvania

cc: William C. Rhodes, Esq.  
Samuel R. King, Esq.  
Alison K. Mento, Esq.  
Raheemah F. Abdulaleem, Esq.