



February 1, 2006

Directorate for Freedom of Information  
And Security Review, Room 2C757  
1155 Defense Pentagon  
Washington, DC 20301-1155

Department of the Army  
Freedom of Information and Privacy Acts Office  
TAPC-PDR-PF  
7798 Cissna Road, Suite 205  
Springfield, VA 22150-3166

Department of the Navy  
Commandant of the Marine Corps (ARAD)  
Headquarters U.S. Marine Corps  
2 Navy Annex  
Washington, DC 20380-1775

Department of the Air Force  
11CS/SCSR (FOIA)  
1000 Air Force Pentagon  
Washington, DC 20330-1000

Inspector General of Department of Defense  
Chief FOIA/PA Office  
400 Army Navy Drive, Room 405  
Arlington, VA 22202-2884

Defense Intelligence Agency (DIA)  
ATTN: SVI-1  
Washington, DC 20340-5100

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

Attention:

This letter constitutes a Request under the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA"), and the Department of Defense implementing regulations, 32 C.F.R. § 286.1 *et seq.*, by the American Civil Liberties Union

and the American Civil Liberties Union Foundation, on their own behalf, and on behalf of the American Friends Service Committee, Greenpeace, United for Peace and Justice, and Veterans for Peace (collectively, “the Requesters”). This Request seeks records related to recent disclosures that the Department of Defense is gathering and retaining information about innocent Americans and their lawful political activities protected by the First Amendment.

## **I. The Requesters**

1. The American Civil Liberties Union and the American Civil Liberties Union Foundation (collectively, “ACLU”)<sup>1</sup> is a national organization that works 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, and the secret and unchecked surveillance powers of the USA PATRIOT Act.

Specifically, ACLU attorneys around the country have provided direct representation to individuals and organizations targeted by federal, state and local police for exercising their First Amendment right to criticize the government. Among those the ACLU has represented include 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. At the national level, the ACLU has filed FOIA requests seeking to discover the scope and nature of the surveillance activities of the FBI’s Joint Terrorism Task Forces, and of the NSA’s practice of warrantless interception of Americans’ electronic communications. Recently, the ACLU led a group of prominent journalists, scholars, attorneys, and national non-profit organizations in suing to enjoin the NSA’s practice of warrantless electronic surveillance.

The ACLU regularly holds public membership meetings at which a wide range of civil liberties issues are discussed and debated. FBI Director

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

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.

2. The American Friends Service Committee (“AFSC”), a co-recipient of the Nobel Peace Prize in 1947, was founded by Quakers in 1917 as an instrument for conscientious objectors to the First World War to contribute to binding up the wounds of war: to build houses for war victims, to feed hungry children, to cloth the displaced. The AFSC has historically felt called to be a witness against war and to work to change the conditions that cause violent conflict.

AFSC’s work, always open and resolutely nonviolent, has been under government surveillance for decades. The FBI kept files on the AFSC that date back to 1921. The CIA intercepted overseas mail and cables in the 1950s, and some AFSC offices (and even the homes of its staff) were infiltrated and burglarized in the late 1960s into the 1970s.

In spite of the peaceful and humanitarian nature of AFSC’s work – assistance to countries torn by war and other disasters, work with groups of people of color during the Civil Rights movement, draft counseling during the Vietnam War era, and peace education and counter-recruitment activities during the current Iraq War – government surveillance of AFSC continues from both federal and local law enforcement. AFSC coordinated or supported four of the events listed on the excerpt from the Pentagon’s database of suspected domestic “threats” that NBC News made available on its website in mid-December 2005. *See* [msnbcmedia.msn.com/i/msnbc/sections/news/DODAntiWarProtestDatabaseTracker.pdf](http://msnbcmedia.msn.com/i/msnbc/sections/news/DODAntiWarProtestDatabaseTracker.pdf). The four AFSC events, which took place between November 2004 and May 2005 in San Francisco, Vermont, Cleveland and Akron, Ohio, all addressed military recruitment. All four of these classified “threats” were deemed to be “not credible.”

3. Greenpeace is an international advocacy organization dedicating to combating the most serious threats to the planet’s biodiversity and environment. Since 1971, Greenpeace has been at the forefront of