November 21, 2003

Alan Cote
Supervisor of Public Records
Office of the Secretary of State
John W. McCormack Building
Boston, Massachusetts 02108

Dear Mr. Cote:

This is an appeal from the refusal of the Police Department of the City of New Bedford to make available certain public records.

On October 31, 2003, I wrote to Chief of Police Arthur J. Kelly III on behalf of the American Civil Liberties Union of Massachusetts for the stated purpose of “learning whether the City of New Bedford ha[d] entered into an agreement with the Department of Justice or the Federal Bureau of Investigation concerning the department’s participation in the Joint Terrorism Task Force ("JTTF").” Toward that end, I requested a copy of the following records made or received by the New Bedford Police Department:

1. All records of communications between the FBI and the New Bedford Police Department or any officer, employee or attorney of the New Bedford Police Department concerning participation in the JTTF by the New Bedford Police Department or its police officers; and

2. Any formal intergovernmental agreements, memoranda of understanding or memoranda of agreement concerning participation in the JTTF by the New Bedford Police Department or its police officers.

A copy of that letter is attached as Exhibit A. Similar requests were sent to the Massachusetts State Police, the Boston Police Department, the Cambridge Police Department, the Springfield Police Department, the Lowell Police Department, the Lawrence Police Department, the Fall River Police Department, the Worcester Police Department and the University of Massachusetts.
As of this date, the city of New Bedford has failed or refused to reply to this request. I therefore request that the New Bedford Police Department be ordered to comply with the requirements of G.L. c. 66, § 10 and to provide us with the records which we have requested.

Very truly yours,

John Reinstein

Encl.

cc: Chief Arthur J. Kelly III