

May 18, 2005

Patricia D. Harris, Management Analyst
FOIA/PA Mail Referral Unit
Department of Justice
Room 1070, National Place Building
Washington, DC 20530-0001

Federal Bureau of Investigation
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2635 Century Parkway, N.E.
Suite 400
Atlanta, Georgia 30345

Departmental Disclosure Officer
Department of Homeland Security
Washington, D.C. 20528

Georgia Bureau of Investigation
3121 Panthersville Road
Post Office Box 370808
Decatur, Georgia 30037

Georgia State Patrol
Post Office Box 1456
Atlanta, Georgia 30371

Columbus Police Department
510 10th Street, PO Box 1866
Columbus, Georgia 31901

Muscogee County Sheriff's Department
Post Office Box 1338
Columbus, Georgia 31902-1338

Atlanta Police Department
675 Ponce de Leon Avenue
Atlanta, Georgia 30308

Glynn County Police Department
157 Public Safety Boulevard
Brunswick, Georgia 31525

Glynn County Sheriff's Department
1812 Newcastle Street
Brunswick, Georgia 31520

Savannah/Chatham County Police Department
323 East Ogelthorpe Avenue, 2d Floor
Savannah, Georgia 31402

Chatham County Sheriff's Department
1050 Carl Griffin Drive
Savannah, Georgia 31405

**Re: REQUEST UNDER FEDERAL FREEDOM OF INFORMATION ACT AND
GEORGIA OPEN RECORDS ACT
/ Expedited Processing Requested**

Attention:

This letter constitutes a request under the federal Freedom of Information Act, 5 U.S.C. § 552 ("FOIA"), and the Georgia Open Records Act, O.C.G.A. §§ 50-18-70, et. seq. ("GORA"), by the American Civil Liberties Union of Georgia and the American Civil Liberties Union Foundation of Georgia (collectively, the "ACLU"), on behalf of the ACLU, Georgia Peace and Justice Coalition, School of America's Watch, Women's Action for New Directions, Atlanta Refuse and Resist, Atlanta Independent Media Center, Tabitha Fringe Chase/Tabby Chase, Ken Driggs, Beth Lavoy, Carol Bass, Father Roy Bourgeois, Eric Lecompte, Debbie Seagraves, and Gerald Weber. (collectively, "the Requestors").

The Requestors seek disclosure of any and all records, as that term is defined to the fullest extent under the FOIA and GORA, created from January 2000 to the present, that were prepared, received, transmitted, collected and/or maintained by the FBI, the National Joint Terrorism Task Force, any Joint Terrorism Task Force or Foreign Terrorist Tracking Task Force, the Office of Law Enforcement Coordination, The National Intel Share (NIS) Project, and all of the above-listed state and local law enforcement agencies (collectively, "Federal, Georgia and Local Law Enforcement Agencies") any formal or informal group, gathering or coalition involving one or more government employees, representative or agents or any member, representative or agent of or for any of same relating or referring, directly or indirectly, to any of the Requestors or to any of their employees, members, officers or directors or to any activities of any of them.

The Requestors request limitation and waiver of fees pursuant to the provisions of the FOIA and GORA which provide for such limitation and waiver where, in the case of FOIA, disclosure of the information is to a news organization or in the public interest because, among other things, searching for, disclosing and furnishing copies of the records sought by Requestors is likely to contribute significantly to public understanding of the operations or activities of the government and is not in the commercial interest of the Requestors. If our request for a waiver of fees under the FOIA and GORA is denied and it would cost more than fifty dollars

(\$50.00) to process our request for records, please contact one of the people whose names appear in the last paragraph below before expending any additional sum.

The Requestors seek expedited processing, and the three-day response time under GORA, because of one or more of the following reasons: (1) the compelling and urgent need of the Requestors to be informed of any surveillance, investigatory or other activities on the part of the "Federal, Georgia and Local Law Enforcement Agencies" or any member, representative or agent of any of same relating or referring, directly or indirectly, to any of the Requestors or to any of their employees, members, officers or directors or to any activities of any of them; (2) the fact that there exist possible questions about the government's integrity relating to such activities and records, such as whether there is unlawful "targeting" or selection of groups or individuals for surveillance and investigation in connection with the activities of such government-related entities and individuals, which affect public confidence and which are a matter of widespread and exceptional media interest; (3) the fact that the ACLU and others of the Requestors are primarily engaged in disseminating information; (4) other appropriate reasons under the FOIA.

Pursuant to applicable regulations and statute, the Requestors expect your determination of their request for expedited processing under FOIA within 10 calendar days. See 28 C.F.R. 16.5(d)(4); 5 U.S.C. § 552(a)(6)(A)(i). Pursuant to applicable regulations and statute, the Requestors expect your response to their request under GORA within the statutorily mandated three-day period of time. If our request under FOIA is denied in whole or in part, we ask that you justify all deletions by reference to specific exemptions applicable under the FOIA. If our request under GORA is denied in whole or in part, we ask that you justify all deletions by reference to specific exemptions applicable under the GORA. The Requestors expect you to release all "reasonably segregable portions" of otherwise exempt material under the FOIA and to separate the exempt and nonexempt material and make the nonexempt material available for examination and copying under the GORA.

The ACLU reserves the right to appeal, without limitation, a decision to withhold any records or information or to deny any request for limitation or waiver of fees.

Attached and made a part of this request is additional supporting and supplementary information and material (see, Addendum to FOIA/GORA Request).

Please direct all responses to this request to the undersigned. If there are any questions or you require further information about this request, please contact Gerald Weber 404.523.6201 between the hours of 9:00 a.m. and 5:00 p.m. EST.

Sincerely,

Gerald Weber, Legal Director
Georgia Bar No. 744878

American Civil Liberties Union of Georgia
70 Fairlie Street, Suite 340
Atlanta, GA 30303
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(404)523-6201

Counsel for Requestors

Addendum to FOIA/GORA Request

This supporting and supplementary information and material is not intended to and should not be construed to limit the scope of the FOIA and GORA requests to which it is appended.

I. The Requestors

1. The American Civil Liberties Union of Georgia and the American Civil Liberties Union Foundation of Georgia (collectively, "ACLU"), are affiliated with The American Civil Liberties Union and the American Civil Liberties Union Foundation.¹ These organizations, and other affiliates, work to protect civil right and civil liberties. As the leading defenders of freedom, equality, privacy, and due process rights in the United States, these organizations have challenged the U.S. 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 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, 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, who were excluded from meaningful participation at public presidential speeches, and who protested at the 2004 Republican and Democratic National Conventions. These organizations have also used litigation, lobbying, and public education efforts to limit oppressive FBI, and state and local police monitoring, interrogation and arrest of people at public rallies, marches, and meetings.

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 demanding certain kinds of personal records without court oversight; and Section 218, which greatly expands the FBI's power to obtain wiretaps. In the lawsuit challenging the National Security Letter (NSL) power, organization attorneys

¹ The American Civil Liberties Union Foundation and the American Civil Liberties Union Foundation of Georgia are 501(c)(3) organizations that provide legal representation free of charge to individuals and organizations in civil liberties cases, and educate the public about civil liberties issues. The American Civil Liberties Union and the American Civil Liberties Union of Georgia are separate non-profit, non-partisan, 501(c)(4) membership organizations that educate the public about the 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 their legislators.

represent an anonymous Internet Service Provider who received an NSL from the FBI, and remain under a strict gag order that prevents them from disclosing certain information about the case.

Attorneys working for and with these organizations have also provided direct representation to thousands of individuals interrogated by the FBI as part of the FBI's "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. For two years, the ACLU of Georgia has hosted a "Freedom Train" in cities across Georgia providing the public with information on the erosion of civil rights and civil liberties after September 11, and encouraging members and activists to oppose government anti-terrorism policies that unnecessarily violate civil rights and civil liberties.

In 2004, the ACLU challenged the State of Georgia's participation in MATRIX (the "Multistate Anti-Terrorism Information Exchange"), an interstate intelligence gathering organization that collects information on, among other things, Georgia residents who are not suspected of any wrongdoing.

In 2001 and again in 2002, the ACLU Foundation of Georgia represented over 10,000 demonstrators at the annual School of Americas Watch demonstration outside the gates of Fort Benning. City of Columbus, Georgia officials sought to obtain an injunction against the demonstration in November 2001, claiming terrorism concerns, but their request was denied by a federal judge and a peaceful protest ensued. Richard Hyatt, *Judge: March on, City of Columbus Request to Keep Protesters Away from Benning Gate During Sunday's Planned Protest March Denied*, Columbus Ledger Enquirer, November 17, 2001. In 2002, the ACLU of Georgia again successfully represented the requestor-School of Americas Watch when local officials attempted to force mass searches of all demonstrators. School of Americas Watch v. City of Columbus, 387 F.3d 1303 (11th Cir. 2003).

In 2004, the ACLU Foundation of Georgia filed two lawsuits against the City of Savannah, City of Columbus, Glynn County and Chatham County after those jurisdictions enacted restrictive rules for peaceful demonstrations at the prompting of state and federal officials hosting the G-8 Summit. The lawsuits resulted in repeal and revision of each restrictive set of laws.

Debbie Seagraves and Gerald Weber are representatives of the ACLU of Georgia.

2. The Women's Action for New Directions (WAND), a national organization located in Atlanta that empowers women to act politically to reduce violence and militarism, and redirect excessive military resources toward unmet human and environmental needs. They believe they have been under surveillance by law enforcement for their participation in peaceful anti-war demonstrations, including

those at the office of former Senator Zell Miller on Mother's Day 2003. Local Atlanta law enforcement and others in unmarked vehicles monitored their speech activities and took photographs of participants. Dan Chapman, *Atlanta Police Tape Protesters*, Atlanta Constitution, May 31, 2003.

3. The Georgia Peace and Justice Coalition is an umbrella group of organizations opposed to war and globalization. A group called the G-8 Legal Subcommittee composed of federal, state and local officials met and proposed a set of restrictive free speech ordinances (later amended after ACLU litigation). See Scott Larson, *Alderman Accuses City Attorney of Misleading Council Before Vote on Ordinance*, Savannah Morning News, April 17, 2004 ("At the urging of a group called the G-8 Legal Subcommittee, the city of Savannah and other governments passed protest ordinances...."). The Organizers of the G-8 protests believe they were spied on by federal, state, and local officials for their peaceful activities related to organizing and protesting at the G-8 summit. Participants and observers non-aligned with their cause attended several planning meetings and events. They seek all records relating to any and all to attempts to limit or monitor demonstrations at the G-8 Summit. Ann Carrns and Nicole Harris, *Groups to Show Gentler Side at G8 Summit*, Wall Street Journal, June 3, 2004. Beth Lavoy and Carol Bass are representatives of the organization.

4. School of the Americas Watch, an independent organization that seeks to close the US Army School of the Americas. They have an annual demonstration outside the gates of Fort Benning in Columbus, Georgia. They have been spied upon and surveiled by federal, state and local officials. Federal Marshall, Federal Agents and Homeland Security personnel have been present at SOAW marches. A SOAW staff member, Eric LeCompte, was prevented from entering Canada while on a speaking tour, and was shown an FBI file that was supplied to the Canadian Border Patrol. At the 2000 inauguration of President Bush, federal security groups were told to consider the SOAW as terrorists as leaked to an organization called "Partnership for Civil Justice." Father Roy Bourgeois and Eric LeCompte are representatives of School of Americas Watch. Richard Hyatt, *SOA Watch Protest Chorus of Dissent*, Columbus Ledger Enquirer, November 22, 2004.

5. Atlanta Refuse & Resist, an organization dedicated to non-violent social change, has noted plainclothes officers taking photographs of demonstrators at peaceful anti-war rallies and believe that their meetings have been infiltrated by government officials.

6. Atlanta Independent Media Center (AIMC) is an independent media watchdog group. Persons who have been identified as law enforcement personnel have monitored AIMC's e-mail listservs and website. The FBI has also seized the computer harddrives of servers of our affiliate Indymedia organizations. Law enforcement personnel have videotaped and photographed members of AIMC engaged in news gathering activities. Non-AIMC persons who may have been with law enforcement have attended AIMC meetings, taken copious notes of our

meetings and activities, and never returned. AIMC members have been told by law enforcement that their activities were being monitored.

7. Tabitha Fringe Chase, a self-described anarchist and a street medic for demonstrations and protests, was contacted by the FBI who interrogated her for several hours about her speech activities, personal convictions, associations, and more. Government officials contacted her neighbors, showing pictures and asking questions. Attorney Ken Driggs assisted her and believes that a file may have been produced regarding him as well.

II. The Request for Information

The Requestors seek and request disclosure of any records² created from January 2000 to the present, that were prepared, received, transmitted, collected and/or maintained by the “Federal, Georgia and Local Law Enforcement Agencies” and specifically, the FBI, the National Joint Terrorism Task Force, any Joint Terrorism Task Force or Foreign Terrorist Tracking Task Force, the Office of Law Enforcement Coordination, The National Intel Share (NIS) Project, or any member, representative or agent of any of same relating or referring, directly or indirectly, to any of the Requestors or to any of their employees, members, officers or directors or to any activities of any of them including but not limited to:

1. Any records that document any monitoring, surveillance, observation, questioning, interrogation, investigation or infiltration of, and/or collection of information about, any of the Requestors or any of their employees, members, officers or directors or their activities;³
2. Any orders, agreements, or instructions to monitor, observe, question, interrogate, investigate, infiltrate, and/or collect information about or conduct surveillance of any of the Requestors or any of their employees, members, officers or directors or their activities;
3. Any records relating or referring to how, why or when any of the Requestors or any of their employees, members, officers or directors or their activities was selected to be a subject of monitoring,

² The term “records” as used here in includes, but is not limited to, 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.

³ The term “activities” as used herein includes, but is not limited to, any activities of the Requestors or any of their employees, members, officers or directors 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 Requestors or any of their employees, members, officers or directors or their activities 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).

surveillance, observation, questioning, interrogation, investigation, infiltration, and/or collection of information;

4. Any records relating or referring to how monitoring, surveillance, observation, questioning, interrogation, investigation or infiltration of, and/or collection of information about, any of the Requestors or any of their employees, members, officers or directors or their activities 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 monitoring, surveillance, observation, questioning, interrogation, investigation or infiltration of, and/or collection of information about, any of the Requestors or any of their employees, members, officers or directors or their activities;

6. Any records relating or referring to the specific role of the "Federal, Georgia and Local Law Enforcement Agencies," including the National Joint Terrorism Task Force or any local Joint Terrorism Task Force or any other Joint Terrorism Task Force or Foreign Terrorist Tracking Task Force, the Office of Law Enforcement Coordination, The National Intel Share (NIS) Project, or any formal or informal group, gathering or coalition involving one or more government employees, representative or agents or any member, representative or agent of or for any of same in any monitoring, surveillance, observation, questioning, interrogation, investigation or infiltration of, and/or collection of information about, any of the Requestors or any of their employees, members, officers or directors or their activities;

7. Any records relating or referring to the specific role of any federal, state, or local government agency, employee, representative or agent participating in any monitoring, surveillance, observation, questioning, interrogation, investigation or infiltration of, and/or collection of information about, any of the Requestors or any of their employees, members, officers or directors or their activities;

8. Any records relating or referring to how records about any of the Requestors or any of their employees, members, officers or directors or their activities have been, will be, or might be used;

9. Any policies or procedures for analyzing records about any of the Requestors or any of their employees, members, officers or directors or their activities;

10. Any policies or procedures for cross-referencing records about any of the Requestors or any of their employees, members, officers or directors or their activities with information contained in any database;

11. Any policies or procedures for cross-referencing records about any of the Requestors or any of their employees, members, officers or directors or their activities with information about any other organizations or individuals;
12. Any policies or procedures for cross-referencing records about any of the Requestors or any of their employees, members, officers or directors or their activities with any other information not covered in numbers 10 and 11 above;
13. Any policies or procedures regarding retention of records about any of the Requestors or any of their employees, members, officers or directors or their activities;
14. Any records referring or relating to the destruction of records about any of the Requestors or any of their employees, members, officers or directors or their activities, including any policies permitting or prohibiting the destruction of records;
15. Any records referring or relating to how records about any of the Requestors or any of their employees, members, officers or directors or their activities were destroyed or might be destroyed in the future;
16. Any records referring or relating to the recipient(s) of records about any of the Requestors or any of their employees, members, officers or directors or their activities;
17. Any policies or procedures in place to protect the privacy of records that refer or relate to the Requestors or any of their employees, members, officers or directors or their activities;
18. Any records relating or referring to how, why or when monitoring, surveillance, observation, questioning, interrogation, investigation or infiltration of, and/or collection of information about any of the Requestors or any of their employees, members, officers or directors or their activities was or will be suspended or terminated.
19. Any matching agreements which may be between, among or relate to the "Federal, Georgia and Local Law Enforcement Agencies," including the FBI, the National Joint Terrorism Task Force, any Joint Terrorism Task Force or Foreign Terrorist Tracking Task Force, the Office of Law Enforcement Coordination, the National Intel Share (NIS) Project, any formal or informal group, gathering or coalition involving one or more government employees, representative or agents or any member, representative or agent of or for any of same or any of them and serve as a purported basis for the exchange of information and/or records between or among any of them.

III. Limitation of Processing Fees and Waiver of Search and Review Fees

The Requestors request a limitation of processing fees pursuant to 5 U.S.C. § 52(a)(4)(A)(ii)(II), which states that “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 of search and review fees under 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 responding to 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 Sec. Archive v. Department of Def., 880 F.2d 1381, 1387 (D.C. Cir. 1989). In addition, searching for and furnishing the records requested will primarily benefit the general public.

The ACLU is an organization dedicated to the defense of 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 or distributes 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 subscribed web site: <http://www.acluga.org/>. The web site addresses civil liberties issues in depth, provides features on civil liberties issues in the news, and contains many hundreds of documents relating to the issues on which the ACLU is focused. This website and the website of its national organization, <http://www.aclu.org/>, specifically include features on information obtained through the FOIA. *See, e.g.,* www.aclu.org/patriot_foia and www.aclu.org/torturefoia. The ACLU also publishes an electronic newsletter, which is distributed to subscribers by e-mail. The ACLU further disseminate ACLU material to local residents, schools and organizations through a variety of means including websites, publications and newsletters. Further, the ACLU makes archived material available to the public at various locations including the University of Georgia Library. Also, ACLU publications are often disseminated to relevant groups across the country that then further distribute them to their members or to other parties.

Depending on the results of this request, the ACLU plans to “disseminate the information” gathered by the 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 the 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 v Rossotti, 326 F.3d 1309, 1310 (D.C. Cir. 2003) In addition, the ACLU will make any information disclosed as a result of this FOIA and GORA request available to the public at no cost.

IV. Waiver of all Costs Under the FOIA and the GORA

The Requestors additionally request a waiver of all fees associated with responding to this request 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.”) and pursuant to GORA. 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.’”) and the intent of the Georgia legislature in enacting the GORA. McFrugal Rental of Riverdale, Inc. v. Garr, 262 Ga. 369, 369 (1992).

Disclosure of the requested information is in the public interest and will primarily benefit the general public. This request and disclosure of the requested information will further public understanding of government conduct; specifically, the monitoring, surveillance, and infiltration of organizations by the “Federal, Georgia and Local Law Enforcement Agencies” and other governmental agencies and 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 and may threaten 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 such matters as 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 and the extent and nature of the involvement of other governmental agencies, entities and personnel in connection with such activities is, therefore, crucial to the public’s interest in understanding the consequences of the Department of Justice’s important change in policy. As a three-member panel of the

Eleventh Circuit recently ruled, in an ACLU of Georgia case, "We cannot simply suspend or restrict civil liberties until the war on terror is over, because the war on terror is unlikely ever to be truly over...Sept. 11, 2001, already a day of immeasurable tragedy, cannot be the day liberty perished in this country." School of Americas Watch v. City of Columbus, 387 F.3d 1303, 1312 (11th Cir. 2003).

This topic is one of widespread public concern at this unique historical moment as the wide array of newspaper articles referenced in Section V below illustrate.

In addition, disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the relationship between federal and local law enforcement agencies with regard to the operations and activities of the National and local Joint Terrorism Task Forces. The public has an interest in understanding this relationship as it affects both national and local law enforcement practices and their application to the public. In addition, the public has an increased interest in such understanding since this relationship has, to the best of our knowledge, changed over the course of the last several years. Disclosure of the requested information is also in the public interest because such information may provide the public with information about overly aggressive and/or discriminatory policing.

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 American Civil Liberties Union meets the test for a fee waiver, fees associated with responding to FOIA requests are regularly waived for the organization.⁴

The records requested are not sought for commercial use, and the Requestors plan to disseminate the information disclosed as a result of this FOIA and GORA 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 and GORA request available to the public at no cost.

⁴ For example, the Department of Health and Human Services granted a fee waiver to the American Civil Liberties Union 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 organization 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 organization fees associated with a FOIA request submitted by the organization in August 2002.

V. Expedited Processing Request

Expedited processing is warranted where 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. § 16.5(d)(1)(ii).⁵ This request implicates an urgent matter of public concern; namely, the potentially extensive monitoring and surveillance of individual citizens, as well as political, religious, and community organizations, throughout the nation by the FBI, “Task Forces” of various sorts and other agencies and entities as well as such activity by the MSP, various “Task Forces” and other state and local agencies and entities in Georgia. 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 is 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 compelling need 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*

⁵ The ACLU is “primarily engaged in disseminating information,” as discussed in Sections III and IV.

They're Trying to Avoid Terror Threats, But Many People Say the Steps Veer Toward Intimidation, The Denver Post, August 26, 2004 at A-08; August 17, 2004; 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*, 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 Antiwar Protest Are Dropped*, NY Times, February 11, 2004 at A18; Michelle Goldberg, *A Thousand J. Edgar Hoovers*, www.salon.com, February 12, 2004; Michelle Goldberg, *Outlawing Dissent*, www.salon.com, February 11, 2004; Kerri 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 and MSP's – treatment of persons on the basis of their political viewpoints is a critical issue with a long history. 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.

We reserve the right to supplement and amend this request.

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

Gerald Weber

Dated: May 18, 2005