



MAINE CIVIL LIBERTIES UNION FOUNDATION

May 18, 2005

Federal Bureau of Investigation
Record Information/Dissemination Section
Service Request Unit, Room 6359
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20535

Federal Bureau of Investigation
Boston Field Office
One Center Plaza, Suite 600
Boston, Massachusetts 02108

U.S. Department of Justice
Director of Public Affairs
Office of Public Affairs, Room 1128
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

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

Attention:

This letter constitutes a request under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and the Department of Justice implementing regulations 28 C.F.R. § 16.11, by the Maine Civil Liberties Union and the Maine Civil Liberties Union Foundation (collectively, “MCLU”), on its own behalf and on behalf of Peace Action Maine, Maine Coalition for Peace and Justice, Peace and Justice Center of Eastern Maine, Veterans for Peace—Maine Chapter, Center for the Prevention of Hate Violence, People’s Free Space, Shenna Bellows, Zachary Heiden, Greg Field, Wells Staley-Mays, Sally Breen, Timothy Sullivan, Ilze Petersen, Kate Brennan, Douglas Rawlings, Jack Bussell, Peggy Akers, Stephen Wessler, Jonah Fertig, Bernie Huebner, and Tom Ewell (collectively, “the Requestors”). This letter also constitutes a request under the Privacy Act, 5 U.S.C. § 552a, on behalf of the aforementioned individuals. The appropriate signed authorization forms from each individual, in compliance with the Privacy Act, are attached.

I. The Requestors

The Requestors are the following seven organizations and fifteen individuals. Authorization forms and identifying information for these individuals are attached below.

1. **MCLU** works to protect civil rights and civil liberties in Maine. It has organized opposition in Maine to the expansion of U.S. government surveillance as part of the war on terrorism and to the secret and unchecked surveillance powers of the USA PATRIOT Act. MCLU has provided legal counsel and representation to individuals and groups interested in expressing opposition to Maine and U.S. government action and policy, and MCLU has brought legal challenges to restrictions on the rights of protesters. MCLU represents Timothy Sullivan, organizer of the 2004 March for Peace, and Larry Dansinger, organizer and activist, in their challenge to the City of Augusta's parade- and demonstration-permit requirements, currently before the U.S. District Court: *Sullivan et al. v. City of Augusta*, Civil Action No. 04-32-B-W. In 2003 and 2004, MCLU sponsored and participated in events around the State of Maine to draw attention to threats to civil liberties embodied in the USA PATRIOT Act. With assistance from the MCLU, the Maine State Legislature, as well as the cities of Orono, Mt. Vernon, Bangor, Portland, and Waterville passed resolutions calling for greater civil liberties protection in the face of the USA PATRIOT Act. The MCLU has lobbied both Federal and State officials to protect religious and racial minorities, including immigrants, and to resist pressure to target minorities with discriminatory and unproductive legislation. The MCLU is a non-profit organization.
2. **Peace Action Maine** is the state's largest peace organization, and it has worked for over 20 years to promote peace and disarmament through grassroots organizing, citizen education, and issue advocacy. As one of the leading Maine organizations opposed to the war in Iraq, Peace Action Maine has organized ten rallies and marches in Maine since that war began in 2003. Peace Action Maine has participated in a number of other rallies, marches, and vigils throughout the State. As the Maine state affiliate of the national organization Peace Action, Peace Action Maine has mobilized volunteer participants for events in Washington, D.C. and New York City. Peace Action Maine is a coalition partner of Win Without War. In addition to anti-war work, Peace Action Maine is a leader in the struggle for nuclear disarmament. In response to organizing and advocacy work by Peace Action Maine, 41 towns and cities across Maine have passed resolutions, either through town meetings or city councils, calling for the total abolition of nuclear weapons. Peace Action Maine's anti-nuclear weapons work has likely come under federal monitoring by the FBI and possibly the Joint Terrorism Task Forces of the FBI. Peace Action Maine is a non-profit organization.
3. **Maine Coalition for Peace and Justice** is a statewide organization of individual citizens and Maine group representatives working collectively and nonviolently for social equality, economic justice, direct democracy, and regenerative environmental policies. Members of the Maine Coalition for Peace and Justice have organized rallies and marches across Maine in opposition to the war in Iraq. These events have likely come under surveillance by the FBI and the Maine Joint Terrorism Task Force.
4. **Peace and Justice Center of Eastern Maine** is a non-profit community organization in Bangor, Maine, that supports and links individuals and groups concerned with peace, social justice, and environmental issues. The Peace and Justice Center of Eastern Maine services—including classes, lectures, seminars, and conferences—promote cooperation,

expand awareness, explore connections, and encourage community involvement in working toward a peaceful and just society. The Peace and Justice Center of Eastern Maine organized protests in Bangor when President Bush and Vice President Cheney visited Maine and mobilized peace activists to participate in a Homeland Security Conference at the University of Maine, Orono.

5. **Veterans for Peace—Maine Chapter** is an organization of veterans who, after serving in our nation’s military, have committed themselves to the cause of world peace. Veterans for Peace was founded in Maine in 1985, and the organization now has over 5,000 members in 150 chapters across the country. Veterans for Peace—Maine Chapter has helped organize rallies and marches in Augusta in opposition to the war in Iraq, and its leaders have been featured speakers at those events, including the “March For Truth 2003” in Augusta. The anti-war activity of Veterans for Peace—Maine Chapter are likely to have been brought to the attention of the FBI and possibly also to the attention of the Joint Terrorism Task Forces of the FBI.
6. **Center for the Prevention of Hate Violence** is dedicated to developing and implementing training programs to prevent bias, harassment and violence. In December 2001, Center for the Prevention of Hate Violence launched the “Preserving the American Dream” project, which included investigations of FBI questioning of Muslims and incidents of bias against Muslims, in Maine. In response to FBI questioning of Muslims in 2003 and 2004, the Center for the Prevention of Hate Violence developed an advisory program to assist people in asserting their rights in the face of interrogation. The Center for the Prevention of Hate Violence has been an outspoken critic of the Bush administration at public meetings in Portland and elsewhere, which may have led to FBI surveillance.
7. **People’s Free Space** is a community organization, based in Portland, Maine, since 2002. People’s Free Space sponsors classes and seminars on creative resistance and sustainable living. In 2004, the People’s Free Space sponsored an video showing and discussion about radical environmentalism and political prisoners, which likely came under the surveillance of the FBI and/or the Portland, Maine Joint Terrorism Task Force.
8. **Shenna Bellows** is the Executive Director of the MCLU. Formerly an organizer with the ACLU National Legislative Office in Washington, D.C., Ms. Bellows has made speeches across Maine and across the country about threats to civil liberties contained in the USA PATRIOT Act. Ms. Bellows helped develop and implement the ACLU strategy for organizing opposition to the USA PATRIOT Act.
9. **Zachary Heiden** is the Staff Attorney at the MCLU. Mr. Heiden has acted as an advocate for protesters and demonstrators throughout Maine, including individuals gathered to protest President Bush’s visit to Maine on Earth Day (April 21) 2004. Mr. Heiden is currently counsel to Timothy Sullivan and Larry Dansinger in their challenge to parade permit requirements in the City of Augusta.

10. **Greg Field** is the Executive Director of Peace Action Maine. Mr. Field has organized and participated in numerous rallies, marches, and demonstrations across Maine, including anti-war rallies in Augusta in 2003 and 2004 that likely came under surveillance by the FBI and the Maine Joint Terrorism Task Force. In his capacity at Peace Action Maine, Mr. Field has organized Maine delegations to national protests in New York City and Washington, D.C.
11. **Wells Staley-Mays** is a board member of Peace Action Maine and an activist in human rights causes. Mr. Staley-Mays started the Diversity Networking Project, as part of Peace Action Maine, to act as an advocate for refugees from Somalia and Sudan settling in Maine. Mr. Staley-Mays serves as an advisor to a number of community groups dedicated to serving East African refugees in Maine. A convert to Islam in 2000, Mr. Staley-Mays made the hajj pilgrimage to Mecca in 2002. Because of Mr. Staley-Mays's outspoken opposition to U.S. foreign policy in East Africa and the former Yugoslavia, and because of his advocacy on behalf of his fellow Muslims, he has likely come under surveillance by the FBI and the Joint Terrorism Task Forces of the FBI.
12. **Sally Breen** is a board member of Peace Action Maine, and she serves as Treasurer of that organization. Ms. Breen has been especially involved in the movement to abolish nuclear weapons and in the struggle to protect the environment. Ms. Breen has participated in protests across the country, including events at the Bath Iron Works, the Indonesian Embassy in Washington, D.C., and the Los Alamos Research Laboratory in New Mexico. In January 2003, Ms. Breen participated in a sit-in at the office of Senator Olympia Snowe to prevail upon the senator to vote against going to war with Iraq. These protests and demonstrations have likely been the subject of surveillance by the FBI and the Joint Terrorism Task Forces of the FBI.
13. **Timothy Sullivan** is a coordinator of the Maine Coalition for Peace and Justice. He is one of the primary organizers of the March for Truth, held in Augusta in March 2004 to show opposition to the war in Iraq and to support better pay and benefits for members of the armed services and their families. Mr. Sullivan is lead plaintiff in the challenge to the City of Augusta's parade and demonstration permit requirements, currently before the U.S. District Court : *Sullivan et al. v. City of Augusta*, Civil Action No. 04-32-B-W. Mr. Sullivan's promotion of peace issues and his organizing large protests against military activity has likely brought him under the surveillance of the FBI and the Maine Joint Terrorism Task Force.
14. **Ilze Petersen** is the Peace and Justice Program Coordinator at the Peace and Justice Center of Eastern Maine.
15. **Kate Brennan** is the chair of the Board of Directors of the Many and One Coalition, an organization dedicated to working for the end of racism and all forms of hatred, prejudice, discrimination and oppression in our communities, and for the construction of safe, peaceful, and just communities for everyone. Ms. Brennan teaches citizenship classes and English for speakers of other languages, at the Adult Learning Center in Lewiston. Ms. Brennan has been a featured speaker at a number of rallies and

demonstrations, including the Many and One rally in January 2003 and the March for Truth in March 2004. Ms. Brennan has also participated in anti-globalization rallies in Quebec and Miami. Her opposition to the war in Iraq and to U.S. foreign policy generally has likely brought her under the surveillance of the FBI and the Joint Terrorism Task Forces.

16. **Douglas Rawlings** is the President of Veterans For Peace—Maine Chapter. Mr. Rawlings served in the United States Army from 1969-70.
17. **John “Jack” Bussell** is a board member of Veterans For Peace—Maine Chapter. Mr. Bussell served in the United States Army from 1959-1979. Mr. Bussell served as Assistant Executive Director to the Children of War rescue project from 1995-98. He is active in the Plowshares Support Group, which provides support for a group of nuns currently serving Federal prison sentences for protesting at the Bath Iron Works. In August 2003, Mr. Bussell was a speaker at a protest of the launch of an Aegis-class Destroyer at the Bath Iron Works on Nagasaki Remembrance Day. This event was likely the subject of surveillance by the FBI and the Joint Terrorism Task Force of the FBI.
18. **Margaret “Peggy” Akers** is a Nurse Practitioner and is the Vice President of Veterans For Peace—Maine Chapter. Ms. Akers served in the United States Army from 1967 to 1972. Ms. Akers is an outspoken critic of current U.S. foreign policy, and she was a featured speaker at the “March for Truth” in Augusta in March, 2004, which commemorated the one-year anniversary of the U.S. invasion of Iraq. This event was likely the subject of surveillance by the FBI and possibly the Joint Terrorism Task Force of the FBI. Ms. Akers has also spoken out against U.S. military policy at events in Blue Hill, Portland, and Kennebunkport. Ms. Akers’s activism was the subject of a profile by Bill Nemitz in the Portland Press Herald in April 2004. Ms. Akers participated in a protest of the launch of an Aegis-class Destroyer at the Bath Iron Works on Nagasaki Remembrance Day in August 2003. This event was likely the subject of surveillance by the FBI and the Joint Terrorism Task Force of the FBI.
19. **Stephen Wessler** is the Director of the Center for the Prevention of Hate Violence and is a board member of the Maine Civil Liberties Union.
20. **Jonah Fertig** is a coordinator of the People’s Free Space. In addition, Mr. Fertig helps direct the “Victory Gardens” project in Maine, which uses community gardening to promote sustainable agriculture, self-determination, and community gardening. Mr. Fertig’s environmentalism and vocal activism in support of prisoner awareness has likely brought him under FBI surveillance.
21. **Bernard “Bernie” Huebner** is board member of the Maine Civil Liberties Union. In 2002, Mr. Huebner acting as spokesperson for opponents of a mandatory fingerprinting requirement for public school teachers, which resulted in numerous encounters with the FBI. Mr. Huebner resigned his teaching position in protest of the fingerprinting requirement. In 2003, Mr. Huebner organized the successful efforts to convince the Waterville City Council to adopt a resolution opposing the war in Iraq.

22. **Tom Ewell** is the Executive Director of the Maine Council of Churches, a position he has held since 1986, and has helped with the planning and organization of numerous peace rallies and demonstrations across Maine to promote an end to militarism as an instrument of foreign policy. A member of the Religious Society of Friends (Quakers), Mr. Ewell is also actively involved with the American Friends Service Committee, which has come under FBI surveillance in Illinois and elsewhere. Mr. Ewell serves on the Maine Board of Prison Visitors, the Maine Interfaith Mentoring Program and the Communities for Children; recently he served as president of the Maine Coalition to End Homelessness. As a result of his involvement in the planning and implementation of anti-war demonstrations, Mr. Ewell has likely been the subject of surveillance by the FBI and possibly the Joint Terrorism Task Force of the FBI.

II. The Request for Information

The Requestors seek disclosure of any records created from January 1, 2000 to the present, that were prepared, received, transmitted, collected and/or maintained by the FBI, Boston Division, including the Portland, Maine Joint Terrorism Task Force of the FBI and any other Joint Terrorism Task Force of the FBI relating or referring to the following:

1. Any records relating or referring to the Requestors, including but not limited to records that document any monitoring, surveillance, observation, questioning, interrogation, investigation, infiltration, and/or collection of information of any of the Requestors or their activities;
2. Any orders, agreements, or instructions to monitor, conduct surveillance, observe, question, interrogate, investigate, infiltrate, and/or collect information of any of the Requestors;
3. Any records relating or referring to how, why or when any of the Requestors was selected to be a subject of monitoring, surveillance, observation, questioning, interrogation, investigation, infiltration, and/or collection of information;
4. Any records relating or referring to how monitoring, surveillance, observations, questioning, interrogation, investigation, infiltration, and/or collection of information of any 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 monitoring, surveillance, observation, questioning, interrogation, investigation, infiltration, and/or collection of information of any 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, including the Portland, Maine Joint Terrorism Task Force, in any monitoring, surveillance, observation, questioning, interrogation, investigation, infiltration, and/or collection of information of any of the Requestors;

7. Any records relating or referring to the specific role of any federal, state, or local government agency participating in any monitoring, surveillance, observation, questioning, interrogation, investigation, infiltration, and/or collection of information of any of the Requestors;
8. Any records relating or referring to how records about any of the Requestors have been, will be, or might be used;
9. Any policies or procedures for analyzing records about any of the Requestors;
10. Any policies or procedures for cross-referencing records about any of the Requestors with information contained in any database;
11. Any policies or procedures for cross-referencing records about any of the Requestors with information about any other organizations or individuals;
12. Any policies or procedures for cross-referencing records about any of the Requestors 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;
14. Any records referring or relating to the destruction of records about any of the Requestors, including any policies permitting or prohibiting the destruction of records;
15. Any records referring or relating to how records about any of the Requestors 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;
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 any of the Requestors;
18. Any records relating or referring to how, why or when monitoring, surveillance, observation, questioning, interrogation, investigation, infiltration, and/or collection of information of any of the Requestors was or will be suspended or terminated.

III. Waiver of Processing Fees

MCLU requests a waiver of search and review fees pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II), which provides 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 28 C.F.R. §§ 16.11(c)(1)(i), 16.11(d)(1), which provides that search and review fees shall not be charged to “representatives of the news media”. As a “representative of the news media,” MCLU fits within this statutory and regulatory

mandate. Fees associated with the processing of this request should, therefore, be limited accordingly.

MCLU 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).

MCLU is a state-wide organization, affiliated with the American Civil Liberties Union (“ACLU”), dedicated to the defense of civil rights and civil liberties. Dissemination of information to the public is a critical and substantial component of ACLU’s mission and work. Any information obtained through the MCLU will be disseminated both through all the means available by national ACLU as well as MCLU. Specifically, 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. ACLU also disseminate information through its heavily subscribed web site: <http://www.aclu.org/>. The web site addresses 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. Specifically, ACLU’s website features information obtained through the FOIA. *See, e.g., www.aclu.org/patriot_foia; www.aclu.org/torturefoia, www.aclu.org/spyfiles.* ACLU also publishes an electronic newsletter, which is distributed to subscribers by e-mail. 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. Also, the ACLU publications are often disseminated to relevant groups across the country that then further distribute them to their members or to other parties.

In addition, MCLU has utilized means of communication, including: through its web site: (<http://www.mclu.org>); bi-annual newsletters sent to over 2,000 Maine households; briefing papers on civil liberties issues, including “The Health Status of Maine’s Prison Population: Results of a Survey of Inmates Incarcerated by the Maine Department of Corrections” (published December 2003); additional pamphlets, reports, flyers and brochures on other civil liberties issues; media material including press releases, press conferences related to significant civil liberties issues; television and radio appearances; and public speaking and outreach, including regularly attending and speaking at community meetings and other public fora to inform people about various civil liberties issues. MCLU regularly assists in the distribution of ACLU reports on a variety of civil liberties topics.

Depending on the results of the Request, MCLU plans to “disseminate the information” gathered by the Request “among the public” through these kinds of publications in these kinds of channels. MCLU 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 MCLU’s commercial interest. MCLU is a “non-profit, non-partisan, public interest organization.” *See*

Judicial Watch, Inc. v. Rossotti, 326 F.3d, 1309, 1310 (D.C. Cir. 2003). Information disclosed by the MCLU as a result of this FOIA will be available to the public at no cost.

IV. Waiver of all Costs

MCLU 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*, 326 F.3d at 1312 (“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) and 501(c)(4) organization and “representative of the news media” as discussed in Section III, MCLU 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 MCLU meets the test for a fee waiver, fees associated with responding to FOIA requests are regularly waived for MCLU. 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 III. As also stated in Section III, MCLU will make information disclosed as a result of this FOIA available to the public at no cost.

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). 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 of individuals and 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 individuals and groups on the basis of categories such as religion, political viewpoint, and nationality. Such potential unequal treatment is a matter necessitating immediate attention. There is also intense public concern, particularly among potentially targeted individuals and 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 requests relate to possible violations of First, Fourth, Fifth, and Fourteenth Amendment Rights and have been subject to substantial media attention. The widespread and 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,* 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,* www.npr.org; Susan Greene, *Activists Decry Pre-Convention Security Tactics: Questions by FBI, The Feds Say 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,* www.signonsandiego.com, August 4, 2004; Richard Schmitt and Donna Horowitz, *FBI Starts to Question Muslims in U.S. About Possible Attacks,* www.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 Antiwar 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 categorizations raises many questions about the government's integrity, which affect public confidence in a profound way. The government's treatment of persons on the basis of categorizations such as religion and nationality 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. Questions about the government's integrity in this area also affect the public's confidence in the law enforcement and legal systems. 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, MCLU expects the determination of this request for expedited processing within 10 calendar days upon receipt of this request 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 of the FOIA and the Privacy Act. MCLU expects you to release all segregable portions of otherwise exempt material. MCLU 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:

Zachary L. Heiden, Staff Attorney
Maine Civil Liberties Union Foundation
401 Cumberland Avenue, Suite 105
Portland, Maine, 04101.

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,

Zachary L. Heiden, Staff Attorney
Maine Civil Liberties Union Foundation