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May 18, 2005

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Washington, D.C. 20535-0001

Federal Bureau of Investigation  
St. Louis Division FOIA Officer  
2222 Market Street  
St. Louis, Missouri 63103

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

Attention:

This letter constitutes a request under the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), and the Privacy Act, 5 U.S.C. § 552a, by the American Civil Liberties Union of Eastern Missouri (“ACLU-EM”)<sup>1</sup> and by and on behalf of Bill Ramsey, Bill Quick, Hedy Epstein, Michael McPhearson, Wilson “Woody” Powell, Richard LaMonica, Joan Suarez, Molly Dupre, Sheikh Nur Abdullah, Kelly Meister, Elizabeth Schaefer, Chris Scheets, Ben Garrett, Mark Haim, and Sheila Musaji (collectively, “the Requestors”). See Attachment A (client authorizations).<sup>2</sup>

<sup>1</sup> The ACLU-EM is comprised of two separate corporate entities, the American Civil Liberties Union of Eastern Missouri and the ACLU-EM Fund. The American Civil Liberties Union of Eastern Missouri is a 501(c)(4) organization and the ACLU-EM Fund is a 501(c)(3) organization. ACLU-EM as used herein refers collectively to the two organizations. ACLU-EM is a state affiliate of the national ACLU, but is a distinct entity. ACLU-EM 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. It also 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.

<sup>2</sup> The individual requestors’ original authorizations and identifying information are being provided to the first addressee, the FOIPA Section of the FBI in Washington DC. True and correct copies thereof are being provided to the other addressees.

## I. The Requestors

1. Bill Ramsey is a local peace activist who has spent decades resisting war through non-violent protests and tax resistance. He is already aware that the FBI has a file on him and received a copy of that file in 1976. The reasons the FBI was monitoring him in the early 1970's were dual: because Ramsey was part of a support committee for the Harrisburg 8 Trial – who were accused of kidnapping Henry Kissinger; and for his refusal to coordinate with the Draft Board during the Vietnam War. In their file, the FBI describes Ramsey as a “dangerous revolutionary.” Since 1971, Ramsey has been arrested numerous times (for nonviolent protests; however, very few of his arrests have led to convictions.) Most recently, Ramsey reports that he has been followed on numerous occasions related to his activism against Iraq War in 2003 and 2004. He has been followed during speaking engagements at universities, received death threats on his children’s lives and was also attacked by federal agents at a protest in November, 1986. Most recently, he has been arrested twice when he was peacefully protesting the visits of President Bush (November, 2002 and April, 2004). Ramsey also believes that organizations to which he has belonged have been infiltrated several times – in particular, he believes that the Economic Conversion Project was infiltrated by JTTF agents in November, 2002 when new members unknown to others began attending meetings and insisted on taking on significant leadership responsibilities.
2. Bill Quick is a St. Louis attorney who sits on the Steering Committee of the St. Louis Instead of War Coalition (IOW), a coalition of various peace and social justice groups in St. Louis opposed to the war in Iraq. Quick has represented various individuals arrested during nonviolent anti-war and anti-torture demonstrations in and around St. Louis since 2002, and has been active with the IOW Patriot Act Working Group. He assists in maintaining the website for the IOW and has noticed that one of the most frequent visitors is the St. Louis Metropolitan Police Department, who visit the site nearly everyday. Quick has noticed an increased police presence at his group events and meetings and has cause to believe the FBI has infiltrated some of the groups and is involved in monitoring the groups in which he has assumed a leadership role.
3. Hedy Epstein is a peace activist with Women in Black, the Women’s International League for Peace and Freedom, and the Instead of War Coalition. An activist for over 50 years, Epstein is aware that the FBI has a file on her, which she previously requested in the 1980's and 1990's. Epstein is concerned that she may still be targeted by the FBI/JTTF because of her political views, because she is a naturalized citizen, and because of her active protest activities.
4. Michael McPhearson is the Executive Director of Veterans for Peace, a national organization which, among other things, engages in public dissent against the Bush Administration's policy concerning the War in Iraq. McPhearson, a Gulf War Veteran, has received national attention for his advocacy against the War since 9/11. In 2003 and 2004 he traveled to Iraq, Italy and Turkey as part of a peace delegation to monitor the occupation and present the organization's message opposing U.S. occupation. He has also been detained at the airport. McPhearson, a coordinating committee member of the “Bring them Home Now”

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campaign against U.S. occupation, and a steering committee member of United for Peace and Justice, was a featured speaker at a national march in Washington, D.C. sponsored by United for Peace and Justice and he has also been featured on C-Span and in Associated Press articles condemning the Bush Administration's policies. A long time activist, McPhearson, who is the publisher of Cpeace.com, previously engaged in outspoken activism with the NAACP.

5. Wilson "Woody" Powell is a leader of the St. Louis chapter of Veterans for Peace and former Executive Director of Veterans for Peace. He engages in public dissent against the Bush administration's policies, protests war, including the War in Iraq, and asks for better treatment of veterans. Powell has observed an increased police presence at group protests. He also believes that organizing meetings have been infiltrated, based on an increase in new, unknown attendees who periodically show up at organizing meetings, gather information, and then never return or keep in contact with the organization.

6. Richard LaMonica is the chair of the St. Louis chapter of the Alliance for Democracy and is involved with workers' rights, anti-war, and anti-genetic engineering activities. LaMonica noted that the national office of the Alliance for Democracy and the Ohio chapter have been confirmed to be under FBI surveillance. He noted that at several of the St. Louis group's activities in recent years, there has been an increased police presence at protests and a higher number of arrests. He believes that his branch has been targeted through raids on members' homes and unwarranted harassment from the IRS. LaMonica stated that the IRS claimed that the Alliance for Democracy did not file a non-profit report and avoided paying taxes and the issue was only resolved after several appeals in court.

7. Joan Suarez is actively involved with the IWC, Jobs with Justice, the Peace Economy Project and U.S. Labor Against the War, as well as the Immigrant's Rights Task Force. Her groups regularly engage in protests and demonstrations. Suarez has observed an increased law enforcement presence during group events, and she believes that, because of her leadership roles in these organizations, the police or JTTF may have investigated her as well.

8. Molly Dupre is a social activist who has been and is presently affiliated with different environmental and anti-globalization groups. She is a founding member of People Over Profits, a member of Earth First, Heartwood, Cascadia Forest Lands, the St. Louis Independent Media Center, the Community Arts and Media Project, Missouri Resistance Against Genetic Engineering, Jobs with Justice, and the Coalition Against Police Crime and Repression. Dupre has observed unknown authorities who appear to be government agents surveilling her and certain of the groups with which she is involved. In May 2003, two days before a protest of the World Agricultural Forum in St. Louis, police and other authorities raided a home occupied by Dupre and other protesters. Dupre was surprised when police addressed her by name, as she was not aware that she was known to the police. In the raid, ostensibly for housing code violations, Dupre's bicycle, personal journals, address book and photographs were confiscated, suggesting a government interest in obtaining information about her activities and associations. Moreover, police conducted a strip search of Dupre at the scene, lifting her shirt and examining her bare breasts, pulling her pants down below her hips and manually inspecting her genital area underneath her underwear. Police then wrote her name on a report, captioning her as an "anarchist" even though she did not designate herself in that fashion to police. She is now a

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plaintiff in a civil rights suit challenging the raid. In addition to her recent protest activities, she believes that the FBI or JTTF may have a file on her because of her involvement with Heartwood, a forest advocacy group, when she lived in Columbia, Missouri. There was a period of time in 1999-2000 when she felt sure that she was being surveilled by the FBI. She reports that a white van was constantly tailing her during a two-week period in 2000. This surveillance occurred after there were rumors of a "tree spiking" incident among environmental groups. Although Heartwood did not engage in "tree spiking," Dupre and at least five other members of the group recall seeing the white van and strongly suspect that they were under surveillance. In addition, JTTF/local police have photographed members of the Cascadia Forest Lands group and Dupre during protests and direct actions. She feels that she is being targeted because of her political beliefs.

9. Sheikh Nur Abdullah is the imam/president of the Islamic Foundation of St. Louis and is very religiously active in the St. Louis area. He also belongs to the Islamic Society of North America and the Interfaith Partnership. The Islamic Foundation and the Islamic Society are primarily educational groups which attempt to build bridges with the general American community and correct misconceptions about Islam by inviting speakers, giving presentations, etc. Sheikh Nur believes that the FBI or JTTF may have a file on him because he has been stopped at airports and scrutinized at airline ticket counters every time he has traveled since September 11, 2001. In some instances, airline personnel have to take at least 10-20 minutes to "clear his name" by calling the national office of the Transportation Security Administration (TSA), and airport officials have informed him that his name may match that of a suspected terrorist. In addition, since September 11, 2001, FBI agents have interviewed Sheikh Nur at least once every year at his office to ask about potential "suspects/terrorists" or suspicious people at the Islamic Foundation. He is aware that the FBI has questioned several people from the Islamic Foundation since September 11, 2001, and that they questioned many people just before the 2004 presidential election.

10. Kelley Meister is a founding member of Bolozone, a loosely-knit group of activists who identify as anarchists dedicated to social justice issues and a collective urban living experiment in St. Louis. Meister has attended several anti-war demonstrations and is involved with an anarchistic coalition. Meister was arrested when the Bolozone house was raided by members of the St. Louis Police Department, ostensibly as part of a building inspection / condemnation. At the time of the raid, police conducted a strip search of Meister, confiscated Meister's bicycle and political art work, and jailed her for approximately 20 hours. They also designated her as an "anarchist" on a police report, though Meister never designated herself that way to police. The raid occurred two days before the World Agricultural Forum in St. Louis. Mesiter has also noted a police presence at protests and even at anarchist soccer games.

11. Elizabeth Schaefer is a St. Louis political activist who has been involved in various political and anarchist causes. Schaefer has attended numerous protests in St. Louis and Washington, D.C. regarding anti-war, pro-immigration, and fair trade issues. She been questioned about these activities by local and federal authorities, asked about others involved in the movement and was once arrested. Upon her arrest, police confiscated a journal with personal information, including a diary, names and phone numbers. The police are still holding these materials, even though the charges surrounding her arrest have been resolved. While Schaefer

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remains politically involved, the police activities have caused her concern and made her less inclined to associate with other activists or to take leadership roles in political organizations.

12. Chris Scheets and Ben Garrett are political activists. Scheets and Garrett were questioned and put under surveillance by the FBI's JTTF in the weeks preceding the Democratic National Convention in July, 2004. The young men, who have no history of violent activity, were also subpoenaed to appear before a federal grand jury on July 29<sup>th</sup>, the date of their scheduled protest, which prevented them from traveling to Boston to protest the convention as they had planned.

Scheets, who is 20, first realized he was under investigation when agents identifying themselves as members of the FBI's JTTF visited the home of his parents in Jacksonville, Illinois. According to Scheets, the agents asked his parents about easily accessible information such as his current address, as well as information about his political affiliations. FBI JTTF agents also visited or contacted the parents of Garrett, 24, in Webster Groves, Missouri.

After speaking with their parents, agents identifying themselves as FBI JTTF agents then visited Scheets at his home and Garrett, who was already staying at a friend's home in St. Louis in preparation for the trip to Boston. When Scheets arrived in St. Louis the next day, the house was under overt surveillance by authorities who identified themselves to the men as FBI agents. For the next four days, at least three unmarked cars were parked in front of the house at any given time and the men, as well as the house's occupants and visitors, all reported being trailed by FBI agents every time they ventured outside. Several cars followed the men when they went to the ACLU-EM office to meet with the legal staff about the surveillance.

On July 26, 2004, two agents served subpoenas on the three requiring their appearance before a grand jury on July 29<sup>th</sup>, the same day as the main scheduled protest at the Democratic Convention. They also received target letters advising them that they were targets of a domestic terrorism investigation. To date, no charges have been filed. The FBI's actions directly prevented the three from engaging in a peaceful protest and have caused the men to question their ability to continue to be politically active.

13. Sheila Musaji is a religious activist who is actively involved in religious and peace and justice issues in the local community. She is editor of *The American Muslim* magazine (an online magazine which disseminates information about Islam and highlights political issues that are relevant to American Muslims), a member of Women in Black, the Interfaith Partnership, the Islamic Foundation of St. Louis (a mosque), and is the director of the Islamic Speakers Bureau of St. Louis. She believes that she may have been investigated by the government because of her leadership in the Muslim community, because she is Muslim, because she was involved in demonstrations against the construction of the wall in Israel/Palestine and because she objected to the nomination of Alberto Gonzales (her name was printed in a *New York Times* ad).

## **II. The Request for Information**

The Requestors seek disclosure of any records<sup>3</sup> created from January 1, 2000 to the present, which 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:

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 any 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 any of the Requestors;
3. Any records relating or referring to how, why or when any of the Requestors was 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 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 collection of information about, monitoring, surveillance, observation, questioning, interrogation, investigation and/or infiltration 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 in any collection of information about, monitoring, surveillance, observation, questioning, interrogation, investigation and/or infiltration of any of the Requestors;

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<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.

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

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 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 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;
17. Any records relating or referring to how, why or when collection of information about, monitoring, surveillance, observation, questioning, interrogation, investigation, and/or infiltration of any of the Requestors was or will be suspended or terminated.
18. Any records referring or relating to the recipient(s) of records about any of the Requestors;
19. A complete list of all recipient(s) of data about any of the Requestors.

**III. Limitation of Processing Fees**

ACLU-EM 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,” ACLU-EM fits within this statutory and regulatory mandate. Fees associated with the processing of this request should, therefore, be limited accordingly.

ACLU-EM 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).

ACLU-EM is an organization dedicated to the defense of civil rights and civil liberties. Dissemination of information to the public is a critical and substantial component of ACLU-EM’s mission and work. Specifically, ACLU-EM publishes newsletters, news briefings, “Know Your Rights” 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. ACLU-EM also disseminates information through its heavily visited web site: <http://www.aclu-em.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 numerous documents relating to the issues on which ACLU-EM is focused.

In addition to its own activities, ACLU-EM shares information with the national ACLU office. The ACLU publishes information through multiple outlets and 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. The ACLU also publishes an electronic newsletter, which is distributed to subscribers by e-mail.

Depending on the results of this Request, ACLU-EM plans to “disseminate the information” gathered by this Request “among the public” through these kinds of publications in these kinds of channels. ACLU-EM 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 ACLU-EM’s commercial interest. ACLU-EM is a “non-profit, non-partisan, public interest organization.” See *Judicial Watch*, 326 F.3d at 1310. Any information disclosed by ACLU-EM as a result of this FOIA will be available to the public at no cost.

#### **IV. Waiver of all Costs**

ACLU-EM 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 organization and “representative of the news media” as discussed in Section III, ACLU-EM 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.

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, ACLU-EM will make any information disclosed as a result of this FOIA available to the public at no cost.

## **V. Interrelationship between Freedom of Information Act and Privacy Act**

Where possible, this request should be construed as a request under FOIA.

## **VI. 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. § 16.5(d)(1)(ii).<sup>5</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 are 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 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 Threats, 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, 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*, Signsandiego.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

<sup>5</sup> ACLU-EM is “primarily engaged in disseminating information,” as discussed in Sections III and IV.

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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 – 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, August 18, 2004, at A16.

Finally, pursuant to applicable regulations and statute, ACLU-EM 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. ACLU-EM expects the release of all segregable portions of otherwise exempt material. ACLU-EM reserves the right to appeal a decision to withhold any information or to deny a waiver of fees.

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Thank you for your prompt attention to this matter. Please furnish all applicable records to: Denise Lieberman & James Felakos, The American Civil Liberties Union of Eastern Missouri, 4557 Laclede Ave, St. Louis, MO 63108.

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,

Denise D. Lieberman  
Legal Director  
American Civil Liberties Union of Eastern Missouri

James G. Felakos  
Staff Attorney  
American Civil Liberties Union of Eastern Missouri