

May 18, 2005

Federal Bureau of Investigation (FBI)
Record Information/Dissemination Section
(RIDS) Service Request Unit, Room 6359
J. Edgar Hoover Building
935 Pennsylvania Avenue, NW
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/ Expedited Processing Requested

Attention:

This letter constitutes a request under the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), and the Department of Justice implementing regulations, 28 C.F.R. § 16.11, by the American Civil Liberties Union of Eastern Missouri (“ACLU-EM”) on its own behalf, and on behalf of St. Louis Instead of War Coalition, the St. Louis chapter of Women in Black, Alliance for Democracy, Veterans for Peace, Mid-Missouri Peaceworks, Human Rights Action Service, Bolozone, Gateway Green Alliance, and the St. Louis chapter of the Council on American-Islamic Relations (collectively, “the Requestors”).

I. The Requestors

1. St. Louis Instead of War Coalition is a group, made up of approximately a dozen local organizations, including specifically, the Catholic Action Network, the Center for Theology & Social Analysis, the Peace Economy Project, Alternatives to Military Service, the St. Louis chapter of Women in Black, the St. Louis Chapter of Labor Against War, and the Human Rights Action Service, dedicated to enhancing public awareness about the War in Iraq, the policies that led to that War, the reasons which have not been borne out, and the number of casualties in the War. These efforts are made to apply pressure on the government to end the War. The organization serves as a voice of dissent in the St. Louis area and holds weekly meetings, rallies and marches. Members of the group have observed a consistent pattern of surveillance by unknown authorities who they believe to be affiliated with the government. The organization is very concerned that its staff and organization are being unjustly targeted by the St. Louis JTTF. Its webmaster reports that the most frequent visitor to its website comes from an Internet address associated with the St. Louis Police Department, which visits the site almost daily.

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2. The St. Louis chapter of Women in Black is a network of like-minded individuals which holds monthly vigils to protest war, the Israeli occupation in the West Bank and Gaza strip, rape as a tool of war, ethnic cleansing and human rights abuses all over the world. Members of the St. Louis, Missouri, chapter report a major increase in law enforcement presence at group events and protests since 2001. The organization is very concerned that its staff and organization are being unjustly targeted by the FBI St. Louis Joint Terrorism Task Force.

3. Alliance for Democracy is a political organization with chapters throughout the country. The organization focuses on workers' rights and corporate accountability and stands against corporate abuses of the environment and their employees. The St. Louis chapter has several members who believe they may be monitored for their political beliefs and protest activities. The organization has been audited by the IRS and was engaged in appeals over an alleged tax dispute for several months. The organization is very concerned that its staff and organization are being unjustly targeted by the FBI's St. Louis Joint Terrorism Task Force.

4. Mid-Missouri Peace Works is a non-profit organization based in Columbia, Missouri, that engages in education and advocacy around issues of peace, social justice and sustainability. The organization, formerly constituted as the Columbia Nuclear Weapons Freeze Campaign, coordinates public events, protests and demonstrations, particularly opposing the War in Iraq. Since 9/11, the organization has sponsored over 180 demonstrations opposing the administration's war policy, including a recent demonstration commemorating the second anniversary of the War in Iraq that attracted hundreds of attendees. The organization has also coordinated counter-demonstrations during visits to Columbia by President Bush, John Ashcroft and Dick Cheney. Organizers believe they may be under surveillance because of their outspoken and controversial advocacy overtly opposing government policy.

5. Human Rights Action Service is an organization of human rights activists who meet to support victims of human rights abuse using the Universal Declaration of Human Rights as a barometer. They engage in letter-writing, non-violent direct action (e.g., demonstrations) and consumer boycotts of companies and corporate products. Recent examples of their activism include a boycott of chocolate companies which use child labor, anti-sweatshop demonstrations in front of Target, and a demonstration at a Boeing Missile Facility for manufacturing weapons. The group has also demonstrated against the War in Iraq and members of the organization have worked with other similar organizations. Since 9/11, the group has noticed increased police presence at its events, even actions that were not announced publicly beforehand. The organization is very concerned that its staff and organization are being unjustly targeted by the FBI St. Louis Joint Terrorism Task Force.

6. Bolozone is a loosely-knit group of activists who identify as anarchists dedicated to social justice issues. Specifically, they are dedicated to making fundamental changes in American society by opposing environmental degradation, domination of

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people and excessive corporate power. Many of these activists were involved in planning protests of the World Agricultural Forum in St. Louis in 2003 and involved in the planning of a concurrent counter-conference entitled Biodevastation 7. Bolozone members report that they noticed police cars parked around their shared home at 3309 Illinois Ave, St. Louis, where some of the protesters were staying. For approximately one week prior to the May 18, 2003 scheduled protest, police had the property at 3309 Illinois under overt surveillance. Several report being followed and/or stopped as they left the home for the protest activities. On May 16, 2003, St. Louis Police conducted a warrantless raid of the home, arrested residents and visitors in the home, downloaded information from computers in the house, and confiscated numerous personal items, including diaries, photo albums, Palm Pilots, address books and other identifying information about the group, the protesters, and others with whom they associate. While the raid was conducted ostensibly as part of a building inspection / condemnation, the police are still holding as "evidence" some of the personal property including journals, diaries, address books and Palm Pilots.

7. Gateway Green Alliance is an organization dedicated to making fundamental changes in American society related to environmental and social justice issues. The group addresses the public through weekly educational programs, produces newsletters, and manages a website.

In May 2003, the Alliance sponsored a conference entitled Biodevastation 7 at Forest Park Community College as part of counter-demonstration activities surrounding the World Agricultural Forum being held at the same time in St. Louis. During that time, the St. Louis Police Department conducted warrantless searches at several homes where Biodevastation conference attendees were staying. Members also noticed unmarked police cars parked around the homes and on the streets where these homes were located in the days surrounding the conference and protest of the World Agricultural Forum. Several members report being followed by authorities, and several report being stopped and/or arrested by police as they left these buildings. A group of bicyclists was arrested without cause in a public park on May 16, 2003 as they were riding to participate in the Biodevastation 7 Conference. The police action significantly and adversely affected the conference. Some speakers were detained and unable to participate. The press attention to the conference moved from covering the substance of the conference, to discussions of the police action and unfounded assertions that the participants were terrorists. The organization is very concerned that its staff and organization are being unjustly targeted by the FBI St. Louis Joint Terrorism Task Force. The organization also believes that JTTF agents may be infiltrating the group, noting three or four attendees of organizational meetings who have behaved increasingly suspiciously and disruptively since the May 2003 conference.

8. The Council on American-Islamic Relations (CAIR) is a civil rights advocacy organization which protects and advocates for the rights of Muslims in the US. It's mission is to enhance understanding of Islam, encourage dialogue, protect civil liberties, empower Muslims and build coalitions through the media, lobbying, education and advocacy. Several CAIR members in the St. Louis area have been questioned by FBI

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agents since 9/11. CAIR's attorney reports that he has received calls from CAIR members who have been approached for questioning by members of the JTTF.

9. Veterans for Peace is a national organization headquartered in St. Louis, Missouri, which works to bring about an end to war, being particularly active in opposing U.S. policy on the War in Iraq. The organization, which has nearly 100 active chapters nationwide, has taken an active role in opposing U.S. occupation, and has called for the resignation of President Bush. Delegates from the organization have traveled to Iraq as peace monitors and advocates, and the organization has been prominently featured in national protests of the War. The organization has noticed increased police presence at its events and rallies nationwide, including in Missouri, and believes that the FBI may have a file on the organization because of its outspoken criticism of the administration and opposition to the War.

10. The American Civil Liberties Union of Eastern Missouri ("ACLU-EM")¹ is a state affiliate of the American Civil Liberties Union ("ACLU"), a national organization that works to protect civil rights and civil liberties. As the leading defender of freedom, equality, privacy, and due process rights in the United States, the ACLU has challenged the United States government's broad targeting and surveillance of innocent people as part of the war on terrorism, the government's crackdown on criticism and dissent, 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 arrested 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, ACLU-EM has 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, and who were excluded from meaningful participation at public presidential speeches. ACLU-EM advocates have also used litigation, lobbying, and public education to limit oppressive FBI and state and local police monitoring, interrogation, and arrest of people at public rallies, marches, and meetings.

ACLU-EM has provided direct legal representation in several cases representing persons arrested when attempting to protest government policy after 9/11. ACLU-EM is

¹ 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.

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also providing direct legal representation to protesters associated with Bolozone and Gateway Green Alliance who were under surveillance, arrested and subject to a raid of their home based on their participation in a protest of the World Agricultural Forum in St. Louis in 2003. ACLU-EM staff noticed an obvious presence of numerous plain-clothes and uniformed officers circling a pavilion in Tower Grove Park in St. Louis while ACLU-EM staff conducted a “Know Your Rights” workshop for protesters on May 18, 2003, the morning of the scheduled protest. The ACLU-EM's Legal Director believes she was photographed by authorities while she was conducting this training. In 2004, ACLU-EM provided direct representation to three young men from Kirksville, Missouri who were questioned by the JTTF about their planned protest activities, put under overt surveillance and ultimately subpoenaed to appear before a grand jury based on these protest activities. During this case, the ACLU-EM's clients were followed to the St. Louis office when they came to meet with legal staff, and ACLU-EM staff observed that several cars remained outside the office with agents watching the office building during the duration of the client meeting. The story of this case received national attention and was broke by an August 2004 *New York Times* story. Subsequently, immediately following an article on the case and an editorial condemning the FBI's actions towards the three men in the local *St. Louis Post-Dispatch* newspaper, staff of the ACLU-EM noticed an increased police presence around its St. Louis office, and at least one staff member reports being trailed by police after leaving the office. Police also ran the license plates of all the cars parked at private, permit-only parking spots owned by the ACLU-EM and reserved for ACLU staff, and towed the Legal Director's car.

ACLU-EM attorneys have also held talks and workshops at local mosques, represented individuals interrogated by the FBI as part of its “voluntary” interviews and special registration programs for Muslims and people of Arab and South Asian descent, and had legal representatives in the federal building in St. Louis, Missouri providing information to registrants on their rights during the Winter 2003 special registrations of persons from middle-eastern countries. The ACLU-EM has also distributed “Know Your Rights” brochures in English, Spanish, Arabic, Urdu, Hindi, Punjabi, Farsi, and Somali to educate the public about the rights of individuals during encounters with the police, the FBI, and agents of the Department of Homeland Security.

ACLU-EM regularly holds public meetings at which a wide range of civil liberties issues are discussed and debated. ACLU-EM also routinely provides information to the public and the media through print and online communications about the erosion of civil rights and civil liberties after 9/11, and encourages ACLU members and activists to oppose government anti-terrorism policies that unnecessarily violate civil rights and civil liberties.

The FBI has a history of surveillance of the ACLU and its local affiliates. For example, declassified documents, some released pursuant to previous FOIA requests, reveal that the FBI engaged in extensive spying on the national ACLU and its growing number of regional affiliates throughout the 1940's, 1950's and 1960's, generating tens of thousands of pages of information.

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II. The Request for Information

The Requestors² seek disclosure of any records³ created from January 1, 2000 to the present, that were prepared, received, transmitted, collected and/or maintained by the FBI (whether by the national office or an individual field office), 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;⁴
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,

² The term "Requestors" as used herein is defined as all of the organizations identified in Section I of this letter, as well as their employees, members, and boards of directors. Contact information for the Requestors is attached as Appendix A.

³ 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.

⁴ 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).

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;
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 records referring or relating to the recipient(s) of records about any of the Requestors;

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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 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.

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.

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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

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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. 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).⁵ 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 A10; Alex Bradley and John Mayer, *The War at Home: Nationwide Crackdown on*

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

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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 A8; 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 – 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

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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.

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