

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
Charlotte Field Office
Suite 900, Wachovia Building
400 South Tryon Street
Charlotte, North Carolina 28285

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

This letter constitutes a Request under the federal 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 North Carolina Legal Foundation on its own behalf and on behalf of the North Carolina State University chapter of Campus Greens, the North Carolina State University chapter of Student Peace Action Network, the Raleigh chapter of Food Not Bombs and on behalf of the following individual, Mr. Brad Goodnight.

I. The Requestors

1. The American Civil Liberties Union of North Carolina and the American Civil Liberties Union North Carolina Legal Foundation (collectively, “ACLU - NC”), are affiliated with The American Civil Liberties Union and the American Civil Liberties Union Foundation (collectively, “ACLU”).¹ These organizations, and other affiliates, work to protect civil rights and civil liberties. As the leading defenders of freedom, equality, privacy, and due process rights in the United States, these organizations have 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 detained in the United States as part of the war on terrorism,

¹ Both the ACLU - NC Legal Foundation and the ACLU Legal Foundation are 501(c)(3) organizations that provide legal representation free of charge to individuals and organizations in civil liberties cases, and educate the public about civil liberties issues. The ACLU - NC and the ACLU are both separate non-profit, non-partisan 501(c)(4) membership organizations that educate the public about the civil liberties implications of pending and proposed state and federal legislation, provide analyses of pending and proposed legislation, directly lobby legislators, and mobilize their members to lobby their legislators.

and the unlawful detention and abuse of prisoners held by the United States government in detention facilities overseas.

In particular, attorneys around the country have provided direct representation to individuals and organizations targeted by the FBI and state and local police for exercising their First Amendment right to criticize the government, including people who participated in numerous rallies and marches to protest the war in Iraq, who were excluded from meaningful participation at public presidential speeches, and who protested at the 2004 Republican and Democratic National Conventions. These organizations have also used litigation, lobbying, and public education efforts to limit oppressive FBI and state and local police monitoring, the interrogation and arrest of people at public rallies, marches, and meetings.

Attorneys have also filed lawsuits challenging three of the most controversial surveillance provisions of the USA Patriot Act: Section 215, which authorizes the FBI to obtain an unlimited array of personal records about innocent people through secret court orders; Section 505, which authorizes the FBI to issue National Security Letters demanding certain kinds of personal records without court oversight; and Section 218, which greatly expands the FBI's power to obtain wiretaps. In the lawsuit challenging the National Security Letter (NSL) power, organization attorneys represented an anonymous Internet Service Provider who received an NSL from the FBI, and remain under a strict gag order that prevents them from disclosing certain information about the case. Attorneys working for and with these organizations have also provided direct representation to thousands of individuals interrogated by the FBI as part of the FBI's "voluntary" interview and special registration programs for Muslims and people of Arab and South Asian descent.

The ACLU regularly holds public membership meetings at which a wide range of civil liberties issues are discussed and debated. FBI Director Robert Mueller spoke at the national annual membership conference in June 2003. FBI whistleblower Colleen Rowley, and former national security advisor Richard Clarke, spoke at the American Civil Liberties Union annual membership conference in July 2004. The American Civil Liberties union 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 September 11, and encourages 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. 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.

The ACLU – NC has worked diligently in North Carolina to educate the public about the guarantees of individual liberty found in the United States Constitution and in the North Carolina Constitution and has been actively building coalitions around numerous post-9/11 civil liberties issues. The ACLU – NC and its chapters throughout North Carolina have sponsored forums and town hall-style meetings and have lobbied members of city councils and county boards throughout the state to urge Congress to amend provisions of the USA PATRIOT ACT that

unduly erode civil liberties. Resolutions by city councils and county boards have passed in at least nine communities in North Carolina.²

2. The North Carolina State University (“NCSU”) chapter of the Campus Greens is part of a national, student-based, non-profit organization dedicated to building a broad-based movement for radical democracy on America’s high school and college campuses. This organization works throughout the year, both on and off campus, serving the community and promoting Green politics. The Campus Greens organization aims to become an effective agent of social change able to overcome the world’s gravest problems, and to aid in the construction of a society based on grassroots democracy, ecology, social justice and non-violence. For example, every Friday at 5:00 p.m. at the NCSU Bell Tower, the Campus Greens hold a demonstration called Honk for Peace. Campus Greens members try to elicit support from automobile commuters in the form of honking. The Campus Greens also engage passing pedestrians and hand out social justice literature.

Recently, the NCSU Campus Greens have reported that law enforcement officials have been maintaining a presence at weekly Honk for Peace demonstrations. Also, at least one member of the NCSU Campus Greens has been formally interrogated by agents of the Raleigh Police Department and the FBI’s Joint Terrorism Task Force.

3. The NCSU chapter of the Student Peace Action Network (“SPAN”) is part of a grassroots peace and justice organization working from campuses across the United States. It organizes for an end to physical, social and economic violence caused by militarism at home and abroad. SPAN also campaigns for nuclear abolition and supports a foreign policy based on human rights and international cooperation, as well as a domestic agenda that supports human and environmental concerns, not Pentagon excess. Working from the premise that war is not inevitable, SPAN’s basic mission is the pursuit of practical alternatives. The NCSU chapter in particular works closely with the Campus Greens on many political events, including Honk for Peace, and its members have been present at those demonstrations at which law enforcement officials have conducted surveillance.

4. The Raleigh, North Carolina chapter of Food Not Bombs is part of a larger, growing revolutionary movement, with many other chapters that are active today and gaining momentum. The hundreds of autonomous chapters share free vegetarian food with hungry people and protest war and poverty throughout the Americas, Europe, Asia and Australia. Food Not Bombs supports actions against the globalization of the economy, restrictions to the movements of people and the destruction of the earth.

The first Food Not Bombs group was formed in Cambridge, Massachusetts in 1980 by anti-nuclear activists. Food Not Bombs is an all-volunteer organization dedicated to nonviolence. It has no formal leaders and strives to include everyone in its decision-making process. Each group recovers food that would otherwise be thrown out and makes fresh, hot vegetarian meals that are served in city parks to anyone without restriction. The groups also serve free vegetarian meals at protests and other events.

² Boone, Carrboro, Chapel Hill, Davidson, City of Durham, Durham County, Greensboro, Orange County and Raleigh.

Members of the Raleigh, North Carolina Food Not Bombs chapter have reported that law enforcement officials have been closely watching the group while they peacefully serve meals to passersby.

5. Brad Goodnight is an active member of the NCSU chapter of the Campus Greens. Recently, he was voluntarily taken to a Raleigh police station by agents of the Raleigh Police Department and the FBI's Joint Terrorism Task Force for formal interrogation. During the interrogation, the agents reportedly asked questions to determine whether members of the NCSU Campus Greens have ties to terrorism or anarchists. Since the interrogation, Mr. Goodnight has noticed a greater police presence at his group's events. Mr. Goodnight has a reasonable basis to believe that this activity is affecting his ability to organize students on campus for activism. Specifically, several current members of the NCSU Campus Greens have told him they are less likely to be involved in the group as a result of the increased police presence.

II. The Request for Information

The Requestors³ seek disclosure of any and all records⁴ created from January 1, 2000 to the present, that were prepared, received, transmitted, collected and/or maintained by the FBI, the National Joint Terrorism Task Force, any Joint Terrorism Task Force or Foreign Terrorist Tracking Task Force, the Office of Law Enforcement Coordination, the National Intel Share (NIS) Project, the Raleigh Police Department, the NCSU Campus Police Department, the Wake County Sheriff's Office, any formal or informal group, gathering or coalition involving one or more government employees, representatives or agents or any members, representatives or agents of or for any of the same relating or referring, directly or indirectly, to any of the following:

1. 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;
2. Any records relating or referring to the specific role of the National Joint Terrorism Task Force ("NJTF") or any local Joint Terrorism Task Force ("JTTF") in any monitoring, surveillance, observation, questioning, interrogation, investigation, infiltration and/or collection of information of any of the Requestors;
3. 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;

³ The term "Requestors" as used herein is defined as all of the organizations and individuals identified in Section I of this letter, as well as those organizations' employees, members and board of directors.

⁴The 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. Any records relating or referring to the policies, procedures and/or practices of the NJTTF and all state and local JTTFs for identifying “potential threat elements” (PTE’s);
5. Any records relating or referring to the policies, procedures and/or practices of the NJTTF and all state and local JTTFs for monitoring, surveillance, questioning, interrogation and/or investigation of individuals, organizations or groups identified as PTE’s;
6. Any records relating or referring to the policies, procedures and/or practices of the NJTTF and all state and local JTTFs for monitoring, surveillance, questioning, interrogation and/or investigation of students, faculty or staff on college or university campuses;
7. Any records relating or referring to the policies, procedures and/or practices of the NJTTF and all state and local JTTFs for monitoring, surveillance, questioning, interrogation and/or investigation of individuals based in whole or in part on one or more of the following factors: national origin, race and/or ethnicity, religious affiliation, organizational membership, political views or affiliation and/or participation in protest activities or demonstrations;
8. Any records relating or referring to the policies, procedures and/or practices of the NJTTF and all state and local JTTFs for monitoring, surveillance, questioning, interrogation and/or investigation of organizations based in whole or in part on one or more of the following factors: political views, participation in demonstrations or protest activities, the national origin, race, ethnicity or religious affiliation of the organization’s or group’s staff, members and/or constituents;
9. Any records relating or referring to the policies, procedures, and/or practices of the NJTTF and all state and local JTTFs for using undercover agents to infiltrate organizations or groups based in whole or in part on one or more of the following factors: political views, participation in demonstrations or protest activities, the national origin, race, ethnicity, or religious affiliation of the organization’s or group’s staff, members and/or constituents;
10. 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;⁵

⁵The 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, 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).

11. Any orders, agreements, or instructions to collect information about, monitor, conduct surveillance of, observe, question, interrogate, investigate and/or infiltrate any of the Requestors;
12. 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;
13. 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;
14. 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;
15. Any records relating or referring to the specific role of the NJTTF or any local JTTF in any collection of information about, monitoring, surveillance, observation, questioning, interrogation, investigation and/or infiltration of any of the Requestors;
16. 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;
17. Any records relating or referring to the constitutionality, legality and/or propriety of monitoring, surveillance, questioning, interrogation, investigation and/or infiltration by the NJTTF and all state and local JTTFs, as described in paragraphs 1-13 above;
18. Any records relating or referring to any actual or potential violations of, or deviations from, any policy, procedure or practice related to monitoring, surveillance, questioning, interrogation, investigation and/or infiltration by the NJTTF and all state and local JTTFs, as described in paragraphs 1-13 above;
19. Any records relating or referring to any investigation, inquiry, or disciplinary proceeding initiated in response to any actual or potential violations of, or deviations from, any policy, procedure or practice related to monitoring, surveillance, questioning, interrogation, investigation and/or infiltration by the NJTTF and all state and local JTTFs, as described in paragraphs 1-13 above;
20. Any records relating or referring to how records about any of the Requestors have been, will be or might be used;

21. Any policies or procedures for analyzing records about any of the Requestors;
22. Any policies or procedures for cross-referencing records about any of the Requestors with information contained in any database;
23. Any policies or procedures for cross-referencing records about any of the Requestors with information about any other organizations or individuals;
24. Any policies or procedures for cross-referencing records about any of the Requestors with any other information not covered in numbers 22 and 23 above;
25. Any policies or procedures regarding retention of records about any of the Requestors;
26. 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;
27. Any records referring or relating to how records about any of the Requestors were destroyed or might be destroyed in the future;
28. Any records referring or relating to the recipient(s) of records about any of the Requestors;
29. 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;
30. 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

The ACLU 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,” the ACLU and ACLU - NC fit within this statutory and regulatory mandate. Fees associate with the processing of this request should, therefore, be limited accordingly.

The ACLU meets the definition of a “representative of the news media” because it is “an entity” that gathers information of potential interest to a segment of the public, uses its editorial skills to turn raw materials into a distinct work and distributes that work to an audience.” National Security Archive v. Department of Defense, 880 F.2d 1381, 1387 (D.C. Cir. 1989).

The ACLU is a national organization dedicated to the defense of civil rights and civil liberties. Dissemination of information to the public is a critical and substantial component of the ACLU's mission and work. Specifically, the ACLU publishes newsletters, news briefings, right-to-know documents, and other educational and informational material that are broadly disseminated to the public. Such material is widely available to everyone, including individuals, tax-exempt organizations, not-for-profit groups, law students and faculty, for no cost or for a nominal fee through its public education department. The ACLU also disseminates information through its heavily visited website: <http://www.aclu.org>. The website addresses civil rights and 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. The website specifically includes features on information obtained through the FOIA. *See, e.g.*, www.aclu.org/patriot_foia, www.aclu.org/torturefoia. The ACLU also publishes an electronic newsletter, which is distributed to subscribers by e-mail.

The ACLU – NC also meets the definition of a “representative of the news media” because it is also “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).

For example, the ACLU - NC publishes a printed newsletter four times per year regarding numerous civil liberties issues and distributes it by United States mail to its over 7,500 members. It also occasionally publishes an “Action Alert” newsletter regarding pending local, state, and federal legislation and distributes it by e-mail.

The ACLU - NC publishes other educational and information materials (including “Know Your Rights” documents and a host of materials created by the ACLU) 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. Such materials are often disseminated to relevant groups across the State of North Carolina that then further distribute them to their own members or to other parties.

Furthermore, the ACLU - NC maintains and updates a website: www.acluofnorthcarolina.org. This website includes substantial information about ACLU - NC cases and various subject areas related to civil liberties.

Finally, the ACLU - NC regularly communicates with the public regarding a host of civil liberties issues through national and local print and broadcast media, including through press conferences, press releases, interviews, and opinion editorial pieces. Indeed, the ACLU - NC receives hundreds of press calls per year and is frequently quoted in news stories on television, radio, and in print.

Depending on the results of the Request, the ACLU - NC plans to “disseminate the information” gathered by the Request “among the public” through these kinds of publications in these kinds of channels. The ACLU - NC 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 news media” for purposes of FOIA).

Finally, disclosure is not in the ACLU - NC’s commercial interest. The ACLU - NC is a “non-profit, non-partisan, public interest organization.” *See Judicial Watch Inc. v. Rossotti*, 326 F.3d 1309, 1310 (D.C. Cir. 2003). Any information disclosed by the ACLU - NC as a result of this FOIA will be available to the public at no cost.

IV. Waiver of all Costs

The ACLU - NC 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 operation or activities of the government and is not primarily in the commercial interest of the requestor.”) Disclosure in this case meets the statutory criteria, and a fee waiver would fulfill Congress’s legislative intent in amending FOIA. *See Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003) (“Congress amended FOIA to ensure that it be ‘liberally construed in favor of waivers for noncommercial requestors.’”)

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 monitor 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) organization and “representative of the news media” as discussed in Section III, the ACLU - NC 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 seek to protect constitutional rights. Because the ACLU - NC meets the test for a fee waiver, and because it is closely associated with the ACLU, for whom fees associated with responding to FOIA requests are regularly waived, the ACLU - NC’s fees for this FOIA request should be waived as well.⁶

⁶ For example, the Department of Health and Human Services granted a fee waiver to the ACLU with regard to a FOIA request submitted in August of 2004. In addition, the Office of Science and Technology Policy in the

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, the ACLU - NC 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).⁷ 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 be 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, *Protesters at Heart of Debate on*

Executive Office of the President said it would waive the fees associated with a FOIA request submitted by the ACLU in August 2003. In addition, three separate agencies – the Federal Bureau of Investigation, the Office of Intelligence Policy and Review, and the Office of Information and Privacy in the Department of Justice – did not charge the ACLU fees associated with a FOIA request submitted by the ACLU in August 2002.

⁷ The ACLU is “primarily engaged in disseminating information,” as discussed in Sections III and IV.

Security v. Civil Rights, NY Times, August 27, 2004 at A91 Larry Abramson, *FBI Questioning Political Demonstrators*, NPR.org; Susan Greene, *Activists Decry Trying to Avoid Terror Threats, But Many People Say the Steps Veer Toward Intimidation*, The Denver Post, August 26, 2004 at A08; Eric Lichtblau, *FBI 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 C01; Jayashri Srikantiah, *Few Benefits to Questioning Targeted Groups*, San Francisco Chronicle, August 6, 2004; Camille T. Taiara, *New FBI Witch-Hunt*, San Francisco Bay Guardian, August 4-10, 2004; Kelly Thornton, *FBI'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 Seibert, *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, *FBI 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 FBI Question Is Sought*, NY Times A16, August 18, 2004.

Finally, pursuant to applicable regulations and statutes, the ACLU - NC 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. The ACLU - NC expects the release of all segregable portions of otherwise exempt material. The ACLU - NC 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:

Jennifer Rudinger, Executive Director
ACLU of North Carolina
P.O. Box 28004
Raleigh, NC 27611

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,

Jennifer Rudinger, Executive Director
American Civil Liberties Union of North Carolina