

May 18, 2005

Federal Bureau of Investigation
J. Edgar Hoover Building
935 Pennsylvania Avenue, NW
Washington, D.C. 20535-0001

James Finch
Special Agent in Charge
Federal Bureau of Investigation
330 E. Kilbourn Ave, Suite 600
Milwaukee, WI 53202

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

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 Wisconsin and the American Civil Liberties Union of Wisconsin Foundation (“ACLU”), on its own behalf, and on behalf of the Islamic Society of Milwaukee, the Wisconsin Coalition to Normalize Relations with Cuba, Peace Action Wisconsin, the National Lawyers Guild (Milwaukee Chapter), George Martin, Arthur Heitzer, Steve Watrous and Karyn Rotker (the “Requesters”).

I. The Requesters

1. The American Civil Liberties Union of Wisconsin and the American Civil Liberties Union of Wisconsin Foundation (collectively, “ACLU of Wisconsin”)¹ are the Wisconsin affiliates of the American Civil Liberties Union and the American

¹ The American Civil Liberties Union of Wisconsin Foundation is a § 501 (c)(3) organization that 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. The American Civil Liberties Union of Wisconsin is a separate non-profit, non-partisan, 501(c)(4) membership organization that 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.

Civil Liberties Union Foundation (“ACLU”), a national organization that works to protect civil rights and civil liberties. Nationally, 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.

ACLU attorneys have filed lawsuits challenging three of the most controversial surveillance provisions of the USA PATRIOT Act: Section 215, which authorizes the FBI to obtain an unlimited array of personal records about innocent people through secret court orders; Section 505, which authorizes the FBI to issue National Security Letters demanding certain kinds of personal records without court oversight; and Section 218, which greatly expands the FBI’s power to obtain wiretaps.

ACLU attorneys have also provided direct representation to thousands of individuals interrogated by the FBI as part of its “voluntary” interview and special registration programs for Muslims and people of Arab and South Asian descent. The ACLU has also prepared and distributed a “Know Your Rights” brochure 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.

The ACLU regularly holds public membership meetings at which a wide range of civil liberties issues are discussed and debated. The ACLU 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 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. 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 1940s, 1950s and 1960s, generating tens of thousands of pages of information.

Locally, the ACLU of Wisconsin has represented a number of individuals critical of government policy in the war on terrorism. ACLU of Wisconsin attorneys have represented anti-war demonstrators and individuals charged with violating government bans on travel to Iraq and Cuba.

2. The Islamic Foundation of Greater Milwaukee, Inc., d/b/a the "Islamic Society of Milwaukee," operates the largest mosque in the Milwaukee area. The Islamic Society is the largest Islamic organization in Wisconsin and serves about 10,000 Muslims in the southeastern Wisconsin area. It was originally incorporated as the Islamic Association of Greater Milwaukee in 1976 and was reincorporated as the Islamic Foundation of Greater Milwaukee in 1980. The organization has done business as the Islamic Society of Milwaukee since 1986. The organization is a non-profit religious organization operating a mosque for congregational prayer and the Salam School, a private school for children in grades K-4 through 8th grade, as well as weekend educational programs for children of the Islamic faith. The Islamic Society has been visited by local FBI agents on numerous occasions. The FBI has also contacted many attendees of the mosque individually.

3. The Wisconsin Coalition to Normalize Relations with Cuba (formerly the Milwaukee Coalition to Normalize Relations with Cuba) was founded in 1994. It consists of organizations and individuals who support the normalization of relations with Cuba and increased person-to-person contact between U.S. citizens and Cubans, and oppose policies that increase the suffering of the Cuban people, including the ban on travel to Cuba, the U.S. economic embargo on Cuba and policies that discourage other nations from trading with Cuba. Several individual members have been prosecuted for travel to Cuba. The organization and its members have hosted and maintained contacts with Cuban church and government representatives. The organization maintains an extensive email list and hosts frequent educational events open to the public.

4. Peace Action-Wisconsin is a peace and justice organization that works for a world in which human needs are met, the environment is preserved, and the threats of war and nuclear weapons have been abolished. Peace Action is committed to non-violence as a way of life and offers opportunities for education, lobbying and public witness. Founded as Milwaukee Mobilization for Survival in March of 1977, the organization was part of a network of 44 national peace and justice groups organized around the issues of nuclear weapons, nuclear power, the escalating arms race and the attendant decline in funding for human needs. National Mobilization for Survival grew to include over 125 peace and justice groups before its national office closed in 1992. In January 1996, the Milwaukee group affiliated with National Peace Action, which had been formed from the merger of SANE and the Nuclear Freeze Campaign. It is the largest grassroots peace and disarmament group in the country. In 1999, the organization became Peace Action-Wisconsin, to reflect its statewide scope and membership. The ACLU of Wisconsin has obtained, through state open records requests, copies of "Daily Protest Reports," prepared by members of the Milwaukee Police Department's "Intelligence Division." These reports record surveillance of street protests, including surveillance of many protests organized by Peace Action. Uniformed officers have videotaped and questioned event organizers. Police officers in the Intelligence Division may also be assigned to the Joint Terrorism Task Force. Peace Action has also organized many of the protests when political leaders have come to southeastern Wisconsin and been told by Milwaukee Police officials with whom they are negotiating protest locations and security, that the FBI and/or Secret Service have ultimate authority over security perimeters and other aspects of protest monitoring and control.

5. The Milwaukee Chapter of the National Lawyers Guild is affiliated with the National Lawyers Guild, which was founded in 1937 and seeks to "unite lawyers, law students, legal workers, and jailhouse lawyers of America in an organization which shall function as an effective political and social force in the service of the people, to the end that human rights shall be regarded as more sacred than property interests." The Milwaukee Chapter has trained and provided legal observers for many protests and coordinates a number of efforts, including a "Justice Watch" program that helped organize protests when Justice Antonin Scalia spoke at Marquette Law School and Chief Justice William Rehnquist received an alumni award from Shorewood High School. A plainclothes U.S. Marshall attended a planning meeting for the Rehnquist protest, which took place in the spring of 2002.

6. George Martin is the Program Director for Peace Action Wisconsin. He has been an active leader nationally in United for Peace and Justice, the largest anti-war coalition in the country, and currently serves one of three national co-chairs. He has spoken against the war at home and abroad, including speaking engagements in Italy, at the World Social Forum in Brazil and on a fact-finding mission in Iraq. His name appears frequently in the Daily Protest Reports compiled by Milwaukee police. A notarized statement from Mr. Martin authorizing release of the requested information about him to the ACLU of Wisconsin Foundation and providing identifying information is enclosed.²

7. Arthur Heitzer is a civil rights attorney and long-time activist involved in Peace Action (currently a steering committee member), the Wisconsin Coalition to Normalize Relations with Cuba, the National Lawyers Guild (he is both chair of NLG's national Cuba Subcommittee and a leader in the Milwaukee Chapter), and other organizations. In the late 1960s and early 1970s, he ran a book store that was frequently visited by the Milwaukee Police Department's "red squad." A notarized statement from Mr. Heitzer authorizing release of the requested information about him to the ACLU of Wisconsin Foundation and providing identifying information is enclosed.

8. Othman Atta is a Milwaukee attorney and president of the Islamic Society of Milwaukee. He has had frequent contact with the FBI. He frequently lectures on Islam, discrimination against Muslims and Middle East peace and justice. Mr. Atta is also on the ACLU of Wisconsin's Milwaukee chapter board. A notarized statement from Mr. Atta authorizing release of the requested information about him to the ACLU of Wisconsin Foundation and providing identifying information is enclosed.

9. Stephen Watrous is a long-time Milwaukee activist. He is currently active in Peace Action-Wisconsin. He is also a member of the steering committee of the Milwaukee Coalition for a Just Peace, an organization formed to oppose the military

² The original authorizations are being sent to the FBI's Washington, D.C., headquarters. Copies are being sent to the Milwaukee Field Office.

response to the terrorist attacks on New York and Washington, D.C., in 2001. His name and intercepted emails from him appeared in FBI files obtained by the ACLU of Colorado. His name appeared in the FBI's files in connection with 1999-2000 protests against Kohl's Department Stores by members of the Wisconsin Fair Trade Campaign (now called the Wisconsin Fair Trade Coalition), of which Mr. Watrous was a leader at the time. A notarized statement from Mr. Watrous authorizing release of the requested information about him to the ACLU of Wisconsin Foundation and providing identifying information is enclosed.

10. Karyn Rotker is a staff attorney at the ACLU of Wisconsin Foundation. Ms. Rotker has been involved in protest activities in Madison and Milwaukee for many years. She is an active member of the Milwaukee chapter of the National Lawyers Guild. Her name also appeared in documents obtained by the Colorado ACLU affiliate, again in connection with the Kohl's Department Store protests. A notarized statement from Ms. Rotker authorizing release of the requested information about her to the ACLU of Wisconsin Foundation and providing identifying information is enclosed.

II. The Request for Information

The Requesters³ seek disclosure of any 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, or any Joint Terrorism Task Force relating or referring to the following:

1. Any records relating or referring to any Requester, including, but not limited to, records that document any collection of information about, monitoring, surveillance, observation, questioning, interrogation, investigation and/or infiltration of the Requester or its activities;⁵
2. Any orders, agreements, or instructions to collect information about, monitor, conduct surveillance of, observe, question, interrogate, investigate, and/or infiltrate any Requester;

³ The term "Requester" as used herein is defined as the organization identified in Section I of this letter, as well as its employees, members, and board of directors.

⁴ 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).

⁵ The term "activities" as used herein includes, but is not limited to, any activities of the Requester 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 Requester 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).

3. Any records relating or referring to how, why or when any Requester 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 Requester 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 Requester;
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 Requester;
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 Requester;
8. Any records relating or referring to how records about any Requester have been, will be, or might be used;
9. Any policies or procedures for analyzing records about any Requester;
10. Any policies or procedures for cross-referencing records about any Requester with information contained in any database;
11. Any policies or procedures for cross-referencing records about any Requester with information about any other organizations or individuals;
12. Any policies or procedures for cross-referencing records about any Requester with any other information not covered in numbers 10 and 11 above;
13. Any policies or procedures regarding retention of records about any Requester;
14. Any records referring or relating to the destruction of records about any Requester, including any policies permitting or prohibiting the destruction of records;

15. Any records referring or relating to how records about any Requester were destroyed or might be destroyed in the future;
16. Any records referring or relating to the recipient(s) of records about any Requester;
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 Requester;
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 Requester 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)(l)(i), 16.11(d)(l) (search and review fees shall not be charged to “representatives of the news media.”). As a “representative of the news media,” the ACLU fits within this statutory and regulatory mandate. Fees associated with 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 and ACLU of Wisconsin are 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 materials that are broadly disseminated to the public. Such material is widely available to everyone, including individuals, tax-exempt organizations, not-for-profit groups, law students and faculty, for no cost or for a nominal fee through its public education department. The ACLU also disseminates information through its web sites: <http://www.aclu.org/> and <http://www.aclu-wi.org>. The web sites address civil rights and civil liberties issues in depth, provide features on civil rights and civil liberties issues in the news, and contain many documents relating to the issues on which the ACLU is focused. The national ACLU 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.

In addition to the national ACLU offices, there are 53 ACLU affiliate and national chapter offices located throughout the United States and Puerto Rico. These offices further disseminate ACLU material to local residents, schools and organizations through a variety of means, including their own websites, publications and newsletters. Further, the ACLU makes archived material available at the American Civil Liberties Union Archives, Public Policy Papers, Department of Rare Books and Special Collections, Princeton University Library. ACLU publications are often disseminated to relevant groups across the country, which then further distribute them to their members or to other parties.

Depending on the results of the Request, the ACLU plans to “disseminate the information” gathered by this Request “among the public” through these kinds of publications in these kinds of channels. The ACLU is therefore a “news media entity.” *Cf. Electronic Privacy Information Ctr. v. Department of Defense*, 241 F.Supp. 2d 5, 10-15 (D.D.C. 2003) (finding non-profit public interest group that disseminated an electronic newsletter and published books was a “representative of the media” for purposes of FOIA).

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

IV. Waiver of all Costs

The ACLU 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, Inc. v. Rossotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003) (“Congress amended FOIA to ensure that it be ‘liberally construed in favor of waivers for noncommercial requesters.’”).

Disclosure of the requested information is in the public interest. This request will further public understanding of government conduct; specifically, the FBI’s monitoring, surveillance, and infiltration of organizations on the basis of national origin, racial and/or ethnic background, religious affiliation, organizational membership, political views or affiliation, or participation in protest activities or demonstrations. This type of government activity concretely affects many individuals and groups and implicates basic privacy, free speech, and associational rights protected by the Constitution.

Moreover, disclosure of the requested information will aid public understanding of the implications of the Department of Justice’s recent decision to relax guidelines that previously restricted the FBI’s ability to spy on organizations

without a threshold showing of suspected criminal activity. These restrictions were created in response to the Hoover-era FBI’s scandalous spying on politically active individuals and organizations, despite the complete lack of evidence that such individuals and organizations had been involved in any unlawful behavior. Understanding the current scope of the FBI’s surveillance and infiltration of law-abiding organizations is, therefore, crucial to the public’s interest in understanding the consequences of the Department of Justice’s important change in policy.

As a nonprofit § 501(c)(3) organization and “representative of the news media” as discussed in Section III, the ACLU is well-situated to disseminate information it gains from this request to the general public as well as to immigrant, religious, politically active, and other targeted communities, and to groups that protect constitutional rights. Because the ACLU meets the test for a fee waiver, fees associated with responding to FOIA requests are regularly waived for the ACLU.⁶

The records requested are not sought for commercial use, and the Requester plans 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 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)(l)(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.

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 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.

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 Requester 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)(l)(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.*, Dan Eggen, *Coalition Seeks FBI's Files on Protest Groups*, Washington Post, p. A3, December 3, 2004; Kevin Johnson, *Anti-Terrorism Methods Draw ACLU Scrutiny*, USA Today, December 1, 2004; Daily Star Staff, *American Arabs Concerned Over FBI's 'October Plan'*, www.dailystar.com.Ib, 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 treats, 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*, 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 Anti-war Protest Are Dropped*, NY Times, February 11, 2004 at A1 8;

Michelle Goldberg, *A Thousand J. Edgar Hoovers*, www.salon.com, February 12, 2004; Michelle Goldberg, *Outlawing Dissent*, www.salon.com, February 11, 2004; Kern 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 members of the House of Representatives. See, e.g., Eric Lichtblau, *Inquiry into F.B.I. Question Is Sought*, NY Times A16, August 18, 2004.

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

Laurence J. Dupuis
Legal Director
American Civil Liberties Union of Wisconsin Foundation
207 E. Buffalo St., #325
Milwaukee, WI 53202
telephone: (414) 272-4032, ext. 12
facsimile: (414) 272-0182

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,

Laurence J. Dupuis
Legal Director