



*New England  
High Intensity  
Drug Trafficking Area  
13 Branch St., Suite 9  
Methuen, MA 01844-1947*

December 16, 2013

Ms. Jessie J. Rossman  
Staff Attorney  
American Civil Liberties Union of Massachusetts  
211 Congress Street  
Boston, MA 02110

Dear Attorney Rossman:

I received your letter requesting certain records under the Massachusetts Public Records Law M.G.L.A. 66 § 10. The New England High Intensity Drug Trafficking Area (NEHIDTA) is not subject to either M.G.L.A. 66 § 10 or the Federal Freedom of Information Act (U.S.C.A. 5 § 552). According to M.G.L.C. 4 §7(26), requests under the Massachusetts Public Records Law are limited to governmental entities of Massachusetts. The NEHIDTA is **NOT** a government agency. The NEHIDTA is a grant program administered by the Office of National Drug Control Policy (ONDCP), but it is not part of the ONDCP (*Nothing in this section is intended to create an agency relationship between individual high intensity drug trafficking areas and the Federal Government 21 U.S.C.A. § 1706(e)(4) "HIDTAs Program"*).

Paragraph II of your letter requests "*all records in your possession relating to any official and unofficial agreements with the DEA.*" Under Federal Law, HIDTAs are not legal entities capable of possessing any information. Rather, HIDTAs are coalitions that serve ministerial and administrative functions. Any information that passes through a HIDTA remains the sole property of the originating agency, and **NOT** the property of HIDTA. (*See: HIDTA Program Policy & Budget Guidance sec 6.2*) I suggest you direct your request to the agency or agencies you think have the information you are seeking.

Sincerely,

J. T. Fallon  
Director  
New England HIDTA