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-- FREEDOM OF INFORMATION APPEAL --

May 7, 2010

Director, Office of Information Policy
U.S. Dep't of Justice
1425 New York Avenue, NW
Suite 11050
Washington, DC 20530-0001

Re: Appeal of FOIA Request No. 1141762-00

Dear Sir or Madam,

This letter constitutes an appeal pursuant to 6 C.F.R. § 5.9 of the determination in response to request number 1141762-00. The underlying request for “documents describing the relationship between the NJTTF and the Commonwealth of Massachusetts, any of its cities, towns, agencies, police departments or other law enforcement units in Massachusetts, colleges or universities” was made jointly by the American Civil Liberties Union Foundation of Massachusetts (ACLUM) and Political Research Associates (PRA) on December 30, 2009. Exhibit A.

The Federal Bureau of Investigation denied this request, stating that they were “unable to identify responsive main file records” on March 23, 2010. Exhibit B. The requesters challenge the adequacy of this search.

There already exists in the public record documentation of the relationship between these agencies. For example, the FBI’s own webpage on NJTTF defines the Task Force as “a fusion of local, state, and federal agencies acting as an integrated force to combat terrorism on a national and international scale...Managing the Bureau’s JTTFs around the country is major part of the operation, and it’s a huge job—there are currently **more than 4,000 JTTF task force members from over 600 state and local agencies** as well as 50 federal agencies” ¹(emphasis added).

The website goes further, saying “According to Special Agent Gregory Massa, who heads the NJTTF, “We support each task force in every way imaginable—from sharing intelligence and terrorism threat information to providing big-picture terrorism analysis...from offering guidance and oversight to setting sound program policies...from supplying resources for manpower, equipment, and space to facilitating training.”” ²

Further, in an April 23, 2008 talk before the GOV/SEC conference in Washington, D.C., head of the NJTTF Greg Massa spoke about how the NJTTF relies “heavily on our state and local partners,” and named the Metropolitan Police in D.C. and “Mass transit,” saying “we bring them together to help run our national program.” ³

¹ http://www.fbi.gov/page2/august08/njttf_081908.html

² Ibid.

³ <http://www.c-spanvideo.org/program/201066-3>

Given these examples of existing documentation and the NJTTF chief's own assertions of the close relationships his organization maintains with state and local partners, it is unlikely that this agency would not have records in its possession that describe these relationships in detail.

We urge you to conduct an adequately thorough review of documents relating to this request.

Thank you for your consideration.

Laura Rótolo
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Thomas R. Cincotta
PRA Civil Liberties Project Director