

AMERICAN CIVIL LIBERTIES UNION OF MASSACHUSETTS
AMERICAN CIVIL LIBERTIES UNION FOUNDATION
OF MASSACHUSETTS

99 CHAUNCY ST., SUITE 310, BOSTON, MASSACHUSETTS 02111
Fax (617) 451-0009 ~ Tel. (617) 482-3170

FAX TRANSMITTAL SHEET

FAXED

TO: Bill Newman

FROM: John Reinstein

DATE: January 3, 2003 TOTAL PAGES (including this sheet): 7

TO FAX NO.: 413-586-7076

IF PROBLEMS, CALL: Mary Lu @ ext. 318

RE: UMass Amherst FOIA request

COMMENTS:

The documents transmitted by this facsimile contain information from the American Civil Liberties Union Foundation of Massachusetts, and may contain confidential and privileged information. This information is intended for the use of the addressee named on the transmittal sheet. If you are not the addressee, any disclosure, photocopying, distribution, or use of its contents is prohibited. If you have received this facsimile in error, please call us immediately (collect) so that we can arrange to retrieve the original documents.



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

MR JOHN REINSTEIN
AMERICAN CIVIL LIBERTIES UNION
**FOUNDATION OF MASSACHUSETTS
SUITE 310
99 CHAUNCY STREET
BOSTON, MA 02111

DECEMBER 26, 2002

Request No.: 0971432- 000
Subject: SEPTEMBER 11
2001/GUIDELINES FOR FBI
COOPERATION/CAMPUS
POLICE/UNIVERSITIES IN
UNITED STATES

Dear Requester:

- This acknowledges receipt of your Freedom of Information-Privacy Acts (FOIPA) request to the FBI. The FOIPA number listed above has been assigned to your request.
- For an accurate search of our records, please provide the complete name, alias, date and place of birth for the subject of your request. Any other specific data you could provide such as prior addresses, or employment information would also be helpful. If your subject is deceased, please include date and proof of death.
- To make sure information about you is not released to someone else, we require your notarized signature or, in place of a notarized signature, a declaration pursuant to Title 28, United States Code 1746. For your convenience, the reverse side of this letter contains a form which may be used for this purpose.
- If you want the FBI's Criminal Justice Information System (CJIS) to perform a search for your arrest record, please follow the enclosed instructions in Attorney General Order 556-73. You must submit fingerprint impressions so a comparison can be made with the records kept by CJIS. This is to make sure your information is not released to an unauthorized person.
- We are searching the indices to our central records system at FBI Headquarters for the information you requested, and will inform you of the results as soon as possible.
- Processing delays have been caused by the large number of requests received by the FOIPA. We will process your request(s) as soon as possible.

Your request has been assigned the number indicated above. Please use this number in all correspondence with us. Your patience is appreciated.

Sincerely yours,

David M. Hardy
Section Chief,
Records Information
and Dissemination Section
Records Management Division



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

MR JOHN REINSTEIN
AMERICAN CIVIL LIBERTIES UNION
**FOUNDATION OF MASSACHUSETTS
SUITE 310
99 CHAUNCY STREET
BOSTON, MA 02111

DECEMBER 26, 2002

Request No.: 0971434- 000
Subject: FLANDERS, BARRY

Dear Mr Reinstein:

A copy of your letter asking for information maintained by the FBI under the Freedom of Information Acts (FOIA) concerning another individual(s) is being returned to you.

Before we commence processing your request for records pertaining to another individual(s), we ask that you submit to the FBI either proof of death or a privacy waiver from that person. Proof of death can be a copy of a death certificate, obituary or a recognized reference source. Death is presumed if the birth date of the subject is more than 100 years ago. Without proof of death or a privacy waiver, the disclosure of law enforcement records or information about another person is considered an unwarranted invasion of personal privacy. Such records, if they exist, are exempt from disclosure pursuant to Exemptions (b)(6) and/or (b)(7)(C) of the FOIA, Title 5, United States Code, Section 552.

Enclosed is a Privacy Waiver and Certification of Identity form. (You may make additional copies of you are requesting information on more than one individual.) The subject of your request should complete this form and then sign it, preferable in the presence of a notary. The original privacy waiver must be provided to the FBI.

In order to ensure an accurate search of our records, please provide your subject's complete name, date of birth and place of birth, if you have not already done so.

Once you have provided us with the necessary information, as described above, we will conduct a search of our records and advise you of the results.

This response should not be considered an indication of whether or not records responsive to your request exist in FBI files.

You may submit an appeal from any denial contained herein by writing to the Co-Director, Office of Information and Privacy, U. S. Department of Justice, Suite 570, Flag Building, Washington, D. C. 20530-0001, within 60 days from receipt of this letter. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIA number assigned to your request so that it may easily be identified.

Sincerely yours,

David M. Hardy
Section Chief,
Records Information
and Dissemination Section
Records Management Division

Privacy Waiver and Certification of Identity

FOIPA Request Number _____
(if known)

Full Name: _____

Current Address: _____

Date of Birth: _____ Place of Birth: _____

(Optional: Prior addresses, employments, aliases, etc., which may assist the FBI in locating the requested information) _____

I hereby waive my right to privacy, and I authorize the FBI to release any and all information relating to me to :

(name, address, & phone of Attorney or other Designee)

Under penalty of perjury, I hereby declare that I am the person described above and understand that any falsification of this statement is punishable under the provisions of Title 18, United States Code (U.S.C.), Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years, or both; and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of Title 5, U.S.C., Section 552a (i)(3) as a misdemeanor and by a fine of not more than \$5,000.

Signature: _____ Date: _____

AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF MASSACHUSETTS
99 CHAUNCY STREET, SUITE 310 BOSTON, MASSACHUSETTS 02111

John Reinstein
Legal Director

(617) 482-3170
Fax (617) 451-0009

December 9, 2002

Chief, FOIA and Privacy Act Section
Room 6296 JEH
J. Edgar Hoover Building
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20535

To the Chief of the FOIA and Privacy Act Section:

This is a request under the Freedom of Information Act.

Officials at the University of Massachusetts in Amherst have recently acknowledged that one of its campus police officers, Barry Flanders, has been assigned to work with, and under the supervision of, the FBI's Anti-Terrorism Task Force. It is our understanding that Officer Flanders, while designated as a campus police "liaison" with the FBI and paid by the University, in fact works under the direction and control of the FBI for several days each week and is not permitted to inform his commanding officer about the nature of his activities, as she does not have the required security clearance. The FBI's arrangement with Officer Flanders and the University of Massachusetts police came to light after FBI agents, apparently acting on the basis of information provided by Flanders, questioned a faculty member and an organizer for a campus union about their political views and organizations in which they may have been involved.

Even apart from the specific information that was sought by the FBI agents in their interviews at the University of Massachusetts, the enlistment of campus security officers to serve the intelligence interests of the FBI within the academic community raises concerns for First Amendment freedoms. In the interests of public disclosure of the nature and scope of this program, the American Civil Liberties Union of Massachusetts hereby requests that you provide it with the opportunity to inspect and request, with a copy of each of the following records of the Federal Bureau of Investigation, including records of its regional offices.

1. All records created after September 11, 2001/authorizing, describing the

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1 of 2
Requests

nature and purpose of or setting ~~guidelines for FBI cooperation or liaison with campus police or security officers at colleges and universities in the United States~~ for the purposes of gathering intelligence and/or investigating students, faculty and/or employees of the college or university;

2. All records created after September 11, 2001 of (a) communications from the FBI to any college or university in the United States soliciting, proposing or discussing cooperation or liaison between the FBI and the college or university police or security officers for the purposes of gathering intelligence and/or investigating students, faculty and/or employees of the college or university, and (b) communications from any college or university in the United States to the FBI responding thereto;

3. Records sufficient to show the names and locations of each and every college or university that has cooperated and/or is cooperating with the FBI in gathering intelligence and/or investigating students, faculty and/or employees of the college or university through the use of college or university campus police or security officers since September 11, 2001;

4. Records sufficient to show the name of each and every college or university campus police or security officer who has been and/or is under the direction and control of the FBI, in whole or in part, and/or who has reported and/or reports directly to the FBI since September 11, 2001;

5. Records sufficient to show the name of each and every college or university campus police or security officer who has received security clearance for work in cooperation with the FBI since September 11, 2001; and

6. Any records received by the FBI from Officer Barry Flanders of the University of Massachusetts police and any records of communications between Officer Barry Flanders of the University of Massachusetts police and the FBI.

is 3rd party live no waiver

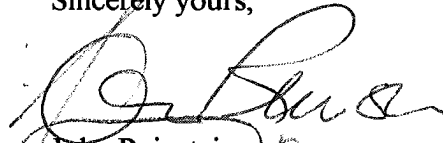
The purpose of this request is to allow the requester to assess the nature and scope of FBI activities at U.S. colleges and universities. To the extent that a response to the foregoing request would require the copying of large volumes of essentially duplicative materials, I would certainly be willing to consider narrowing specific categories of records which have been requested. If you wish to discuss the request, I may be reached by telephone at (617) 482-3170, ext. 324.

As noted above, I have requested access to the original documents rather than having copies made in order to minimize the expense of obtaining the information they

Chief, FOIA and Privacy Act Section
December 9, 2002
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contain. To the extent that there are fees for the production of the requested documents, I hereby request a waiver of all applicable fees. The information contained in the requested documents is being sought by a public interest organization, and its disclosure would contribute significantly to the public understanding of the operations and activities of the government. The request is not made for any commercial purpose.

Sincerely yours,



John Reinstein R