



UNIVERSITY of
MASSACHUSETTS

300 Whitmore Administration Building
Amherst, MA 01003-9313

Associate Counsel
Office of the General Counsel

voice: 413.545.2204
fax: 413.545.3138
email: bwburke@external.umass.edu

November 13, 2003

John Reinstein, Legal Director
William C. Newman, Director, Western Massachusetts Office
American Civil Liberties Union
Foundation of Massachusetts
99 Chauncy Street, Suite 310
Boston, MA 02111

RE: Public Records Request

Dear Messrs. Reinstein and Newman:

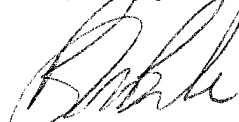
I write in response to your public records request of October 31, 2003. In your letter, you requested:

1. All records made or received after September 11, 2001 of communications between the FBI and the University of Massachusetts or any officer or employee of the University of Massachusetts concerning participation in the JTTF by the University of Massachusetts or its police or security officers, or cooperation or liaison between the FBI and university police or security officers; and
2. Any formal intergovernmental agreements, memoranda of understanding or memoranda of agreement concerning participation in the JTTF by the University of Massachusetts or its police or security officers, or cooperation or liaison between the FBI and university police or security officers.

I regret that the University must decline to produce the records you request. Clause twenty-sixth of Section 7 of Chapter 4 of the Massachusetts General Laws defines "public records." Paragraph (f) of that clause exempts from that definition, and therefore from production "investigatory materials necessarily compiled out of the public view by law enforcement . . . disclosure of which materials would probably so prejudice the possibility of effective law enforcement that such disclosure would not be in the public interest." The Federal Bureau of Investigation, under whose cognizance the JTTF operates, indicated to me that it views the materials you seek in such a light.

If you disagree with this determination, the proper route of appeal in Massachusetts is through the office of the Supervisor of Public Records at (617) 727-2832.

Very truly yours,

A handwritten signature in black ink, appearing to read "B. Burke", written in a cursive style.

Brian W. Burke
Associate Counsel

cc: John V. Lombardi
Patrick T. Archbald