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(c)(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