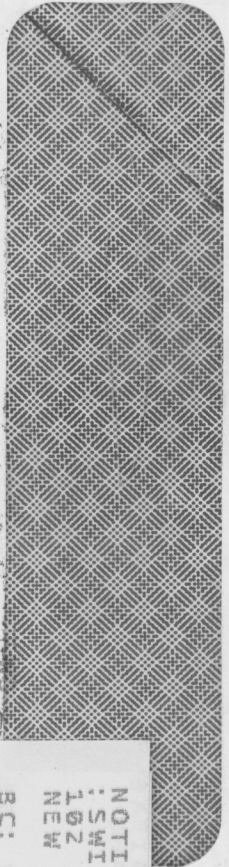


S. Department of Justice
Federal Bureau of Investigation
70 Marcel Drive
Winchester, VA 22602-4843
Official Business
Penalty for Private Use \$300

NO VA
VA 220
09 SEP '16
PM 2 L



UNITED STATES POSTAGE
U.S. OFFICIAL MAIL
PENALTY FOR
PRIVATE USE \$300
PINEY BOWES
02 1R
0000012580 SEP 09 2016
MAILED FROM ZIP CODE 22602
\$ 00.675



101 NYE 1 716C0009/19/16
NOTIFY SENDER OF NEW ADDRESS
: SWISS INSTITUTE CONTEMPORARY ART
102 FRANKLIN ST FRNT 1
NEW YORK NY 10013-3015

BC: 10013301501 *1217-01292-09-42



Federal Bureau of Investigation
Washington, D.C. 20535

September 9, 2016

MS. ELIZABETH BARIBEAU
SWISS INSTITUTE
18 WOOSTER STREET
NEW YORK, NY 10013

FOIPA Request No.: 1353733-000
Subject: FBI Visit to Swiss Institute Exhibition
"MAYDAY MAYDAY"

Dear Ms. Baribeau:

The enclosed documents were reviewed under the Freedom of Information Act (FOIA), Title 5, United States Code, Section 552. Deletions have been made to protect information which is exempt from disclosure, with the appropriate exemptions noted on the page next to the excision. In addition, a deleted page information sheet was inserted in the file to indicate where pages were withheld entirely. The exemptions used to withhold information are marked below and explained on the enclosed Explanation of Exemptions:

- | Section 552 | | Section 552a |
|--|---|---------------------------------|
| <input type="checkbox"/> (b)(1) | <input type="checkbox"/> (b)(7)(A) | <input type="checkbox"/> (d)(5) |
| <input type="checkbox"/> (b)(2) | <input type="checkbox"/> (b)(7)(B) | <input type="checkbox"/> (j)(2) |
| <input type="checkbox"/> (b)(3) | <input checked="" type="checkbox"/> (b)(7)(C) | <input type="checkbox"/> (k)(1) |
| _____ | <input type="checkbox"/> (b)(7)(D) | <input type="checkbox"/> (k)(2) |
| _____ | <input checked="" type="checkbox"/> (b)(7)(E) | <input type="checkbox"/> (k)(3) |
| _____ | <input type="checkbox"/> (b)(7)(F) | <input type="checkbox"/> (k)(4) |
| <input type="checkbox"/> (b)(4) | <input type="checkbox"/> (b)(8) | <input type="checkbox"/> (k)(5) |
| <input type="checkbox"/> (b)(5) | <input type="checkbox"/> (b)(9) | <input type="checkbox"/> (k)(6) |
| <input checked="" type="checkbox"/> (b)(6) | | <input type="checkbox"/> (k)(7) |

3 pages were reviewed and 3 pages are being released.

- Document(s) were located which originated with, or contained information concerning, other Government Agency (ies) [OGA].
 - This information has been referred to the OGA(s) for review and direct response to you.
 - We are consulting with another agency. The FBI will correspond with you regarding this information when the consultation is completed.
- In accordance with standard FBI practice and pursuant to FOIA exemption (b)(7)(E) and Privacy Act exemption (j)(2) [5 U.S.C. § 552/552a (b)(7)(E)/(j)(2)], this response neither confirms nor denies the existence of your subject's name on any watch lists.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S. C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist. Enclosed for your information is a copy of the Explanation of Exemptions.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request Number listed above has been assigned to your request. Please use this number in all correspondence concerning your request. Your patience is appreciated.

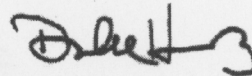
You may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within ninety (90) days from the date of this letter in order to be considered timely. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so that it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS) at 877-684-6448, or by emailing ogis@nara.gov. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@ic.fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so that it may be easily identified.

The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of the investigation. Our search located additional references, in files relating to other individuals, or matters, which may or may not be about your subject(s). Our experience has shown when ident, references usually contain information similar to the information processed in the main file(s). Because of our significant backlog, we have given priority to processing only the main investigative file(s). If you want the references, you must submit a separate request for them in writing, and they will be reviewed at a later date, as time and resources permit.

See additional information which follows.

Sincerely,



David M. Hardy
Section Chief
Record/Information
Dissemination Section
Records Management Division

Enclosure(s)

In response to your Freedom of Information Act (FOIA) request, enclosed is a processed copy of the FBI documents you requested. The enclosed documents represent the final release of information responsive to your FOIA request. This material is being provided to you at no charge.

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

Filing and Security

Primary Case: 415A-NY-280350-302

Case Title: (S) FD302'S

Serial Number: 60873

Serialized: 10/19/2001

Category: [redacted]
Initiated: [redacted]

b7E

Details

Serial #: 60873

Type: FD302

b6
b7C

Document Title: [redacted] INTERVIEWS

Approval Date: 10/19/2001
Classification: SN

Contents:
10/20/2001

On [redacted] Special Agent [redacted] Special Agent and [redacted] Department of Defense, Office of Inspector General, Defense Criminal Investigative Service, interviewed [redacted] and [redacted] at the SWISS INSTITUTE CONTEMPORARY ART (SI), 495 Broadway Street, 3rd Floor, New York, NY 10012-4457. After the reporting agents fully identified themselves and informed [redacted] and [redacted] the nature of the interview, they provided the following information.

b6
b7C

The SI is open daily Tuesday Saturday, 11:00am 6:00pm. [redacted] is the [redacted] of SI; [redacted] is the [redacted] of SI; and [redacted] is the [redacted] of SI.

b6
b7C

[redacted] stated that the idea represented in the art exhibit "MAYDAY MAYDAY" which was to be held at the SI from September 11, 2001 October 20, 2001 has been done many times by many different artist. [redacted] stated that [redacted] the exhibit originally entitled "MAYDAY MAYDAY" in November 1999 in Switzerland. [redacted] stated that "MAYDAY MAYDAY" was exhibited in Switzerland at the:

b6
b7C

Centre d'art Neuchatel
37, rue des Moulins
CP 415
2001 Neuchatel
Telephone: +41(0)32 724 0160
Facsimile: +41(0)32 724 0171
e-mail: info@can.ch

[redacted] stated that when [redacted] discussed exhibiting "MAYDAY MAYDAY" at the SI, [redacted] wanted to change the name of the exhibit to "Chasing Napoleon", however, he convinced [redacted] to keep the same title. [redacted] stated that when [redacted] decided to display the "MAYDAY MAYDAY" exhibit at SI, they originally decided to have it run from September 6, 2001 October 13, 2001. [redacted] stated that they changed the date of the exhibit to September 11 October 20, 2001 after learning that the "new arts crowd season" was beginning at the Chelsea on September 6, 2001.

b6
b7C

[redacted] reported that on July 24, 2001, he notified [redacted] at the art magazine "ARTFORUM" that the SI wanted to advertise in the ARTFORUM the exhibit "MAYDAY MAYDAY September 11 October 20, 2001". [redacted] provided [redacted] contact information at the ARTFORUM as:

b6
b7C

[Redacted]

350 Seventh Avenue
New York, NY 10001
Telephone: (212)475-4000
Facsimile: (212)529-1257

b6
b7C

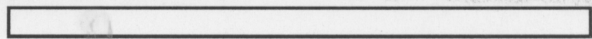
[Redacted] provided the reporting agent with a copy of the SI newsletter 4.01 for the Fall 2001 which lists the exhibition MAYDAY MAYDAY / September 11 October 20, 2001. The newsletter provides the following description of the exhibit. "MAYDAY MAYDAY is the story of an aviator obsessed with his ejection seat, a fly dreaming of an endless agony, caught in the paint of a monochrome, a death row prisoner who finds the squeak of the rope around his neck the overture of a symphony that he would like to write. This group exhibition considers that state of tension which grips the pilot when he realizes his plane is about to crash, before that fateful second when the pilot activates his ejection seat. A dubious moment: when life is threatened, the specter of death haunts. A flash when silence and void come suddenly to life. An unstable zone, where the notion of time expands to infinity, reduced into the terms of possibility. A moment when everything can disappear, but at the same time is still throbbing in one's hand. MAYDAY MAYDAY takes that second and dilates it into the time span of this exhibition. The phenomenon of absence is primary. The threat of an eclipse, of the fading of an artwork alone in the dark, invisible, and of interest to no one, which in these times of crisis and of disenchantment certainly arouses the pity of charitable souls! is what precisely marks its interest and its relevance. The stability of an art work, its serenity, its tranquility, is doomed to be no more than a simple image, reassuring, digestible. What remains at the root of its interest is the anguish of a possible disappearance, the tension stemming from a presence of a lurking uncertainty. "But for God's sake", snorted Herbert, furiously smashing his fist against the cockpit window, "what's going on? The aircraft is coming down, but it's not coming apart!"

[Redacted] stated that because of the terrorist attack on the World Trade Center, the exhibit MAYDAY MAYDAY was postponed a week until September 18, 2001. He added that [Redacted] agreed to change the name of the exhibit to "UNTITLED". [Redacted] and [Redacted] stated that the exhibit has absolutely nothing to do with terrorism or the incidents that took place on September 11, 2001. [Redacted] and [Redacted] stated that they did not believe the terrorist picked the date September 11, 2001 because it corresponded to the opening of the exhibit MAYDAY MAYDAY. [Redacted] and [Redacted] stated that they found it hard to believe that the individuals who perpetrated the terrorist attacks were the types of individuals that would read ARTFORUM.

b6
b7C

Indexing

Display Name	Enterprise Role	Entity Role	Entity Type	US Person
No Entities to display				



b7E

Navigation controls including back, forward, and search icons, followed by the text "Page" and "of 1", and a search icon followed by the text "No data to display".