

# Exhibit A

NINA GILDEN SEAVEY  
7214 Spruce Avenue  
Takoma Park, MD 20912  
(301) 523-7473  
nina.seavey@yahoo.com

November 7, 2013

FBI  
Record/Information Dissemination Section  
Attn: FOIPA Request  
170 Marcel Drive  
Winchester, VA 22602-4843

This is a request under the Freedom of Information Act.

Date range of request: January 1, 1966 - December 31, 1973

Description of Request: I am in search of materials relating to the COINTELPRO activities of the St. Louis Office between the dates listed above. I note in your vault that there are 57 pages of materials that have already been declassified and open for public use. I am specifically interested in activities relating to the "New Left."

Please search the FBI's indices to the Central Records System for the information responsive to this request related to: COINTELPRO, St. Louis Office , New Left

I am willing to pay up to \$500 for the processing of this request. Please inform me if the estimated fees will exceed this limit before processing my request.

I am seeking information for personal use and not for commercial use.

Thank you for your consideration.

Name: Nina Gilden Seavey  
Street Address: 7214 Spruce Avenue  
City/State/ZIP Code: Takoma Park, MD 20912  
Country (if applicable): U.S.A.  
Telephone (optional): (301) 523-7473  
E-mail (optional): nina.seavey@yahoo.com

# Exhibit B

Nina Gilden Seavey  
7214 Spruce Avenue  
Takoma Park, MD 20912  
(301) 523-7473  
[nina.seavey@yahoo.com](mailto:nina.seavey@yahoo.com)

November 19, 2013

FBI Record/Information Dissemination Section  
Attn: FOIPA Request  
170 Marcel Drive  
Winchester, VA 22602-4843

Dear FOIA Officer:

This is a request under the Freedom of Information Act.

Date range of request: January 1, 1966 – December 31, 1975

Description of Request: I am writing to request any files relating to one Donald R Bird, originally of Princeton, IL who was born November 12, 1943 and died December 1, 1983. SSN 346-36-8827.

I have attached his death notice from the Bureau County Republican as proof of his death.

Please search the FBI's indices to the Central Records System for the information responsive to this request related to: Donald R. (Dick) Bird.

I am willing to pay up to \$500 for the processing of this request. Please inform me if the estimated fees will exceed this limit before processing my request.

I am seeking information for personal use and not for commercial use. Thank you for your consideration,

Name: Nina Gilden Seavey Street  
Address: 7214 Spruce Avenue  
City/State/ZIP Code: Takoma Park, MD 20912  
Country (if applicable): U.S.A.  
Telephone (optional): (301) 523-7473  
E-mail (optional): [nina.seavey@yahoo.com](mailto:nina.seavey@yahoo.com)

# Exhibit C

Nina Gilden Seavey  
7214 Spruce Avenue  
Takoma Park, MD 20912  
(301) 523-7473  
[nina.seavey@yahoo.com](mailto:nina.seavey@yahoo.com)

February 7, 2014

FBI Record/Information Dissemination Section  
Attn: FOIPA Request  
170 Marcel Drive  
Winchester, VA 22602-4843

Dear FOIA Officer:

This is a request under the Freedom of Information Act.

Date range of request: January 1, 1963 – December 31, 1975

Description of Request: I am writing to request any and all files relating to Lawrence Allan Kogan, originally of Cleveland, Ohio, born February 28, 1944 and died in Creve Coeur, Missouri (home was Clayton, MO) on August 18, 2003.

I have attached his obituary from the St. Louis Post Dispatch as proof of his death.

Please search the FBI's indices to the Central Records System for the information responsive to this request related to: Lawrence Allan Kogan.

I am willing to pay up to \$500 for the processing of this request. Please inform me if the estimated fees will exceed this limit before processing my request.

I am seeking information for personal use and not for commercial use. Thank you for your consideration,

Name: Nina Gilden Seavey Street  
Address: 7214 Spruce Avenue  
City/State/ZIP Code: Takoma Park, MD 20912  
Country (if applicable): U.S.A.  
Telephone (optional): (301) 523-7473  
E-mail (optional): [nina.seavey@yahoo.com](mailto:nina.seavey@yahoo.com)

# Exhibit D

Nina Gilden Seavey  
7214 Spruce Avenue  
Takoma Park, MD 20912  
(301) 523-7473  
[nina.seavey@yahoo.com](mailto:nina.seavey@yahoo.com)

March 19, 2014

FBI Record/Information Dissemination Section  
Attn: FOIPA Request  
170 Marcel Drive  
Winchester, VA 22602-4843

Dear FOIA Officer:

This is a request under the Freedom of Information Act.

Date range of request: January 1, 1945 – December 31, 1975

Description of Request: I am writing to request any and all files relating to Thomas Hopkinson Eliot, born June 15, 1907 and died October 14, 1991.

I have attached his obituary from the Los Angeles Times as proof of his death.

Please search the FBI's indices both from FBI Headquarters as well as from the St. Louis Field Office and in the Central Records System for information responsive to this request related to: Thomas Hopkinson Eliot

I am willing to pay up to \$2000 for the processing of this request. Please inform me if the estimated fees will exceed this limit before processing my request.

I am seeking information for personal use and not for commercial use. Thank you for your consideration.

Name: Nina Gilden Seavey  
Street Address: 7214 Spruce Avenue  
City/State/ZIP Code: Takoma Park, MD 20912  
Country (if applicable): U.S.A.  
Telephone (optional): (301) 523-7473  
E-mail (optional): [nina.seavey@yahoo.com](mailto:nina.seavey@yahoo.com)



# Exhibit E

Nina Gilden Seavey  
7214 Spruce Avenue  
Takoma Park, MD 20912  
(301) 523-7473

September 11, 2013

FBI  
Record/Information Dissemination Section  
Attn: FOIPA Request  
170 Marcel Drive  
Winchester, VA 22602-4843

Dear FOIA Officer:

This is a request under the Freedom of Information Act.

Date range of request: January 1, 1955 – December 25, 2000

Description of Request: I am writing to request any files relating to my father, Louis Gilden of St. Louis, Missouri who was born January 16, 1925 and died December 25, 2000. I have attached his death notice in the St. Louis Post Dispatch here.

Please search the FBI's indices to the Central Records System for the information responsive to this request related to: Louis Gilden

I am willing to pay up to \$500 for the processing of this request. Please inform me if the estimated fees will exceed this limit before processing my request.

I am seeking information for personal use and not for commercial use.  
Thank you for your consideration,

Name: Nina Gilden Seavey  
Street Address: 7214 Spruce Avenue  
City/State/ZIP Code: Takoma Park, MD 20912  
Country (if applicable): U.S.A.  
Telephone (optional): (301) 523-7473  
E-mail (optional):

# Exhibit F

**Nina Gilden Seavey  
7214 Spruce Avenue  
Takoma Park, MD 20912  
301-523-7473  
nina.seavey@yahoo.com**

**April 3, 2014**

**FBI  
Record/Information Dissemination Section  
Attn: FOIPA Request  
170 Marcel Drive  
Winchester, VA 22602-4843**

**Dear FOIA Officer:**

**This is a request under the Freedom of Information Act.**

**Date range of request: September 1, 1963 – December 31, 1975**

**Description of Request: I am writing to request all files from both FBI Headquarters and the St. Louis Office of the FBI that match the following: Washington University (in St. Louis) and the New Left.**

**I am willing to pay up to \$1000 for the processing of this request. Please inform me if the estimated fees will exceed this limit before processing my request.**

**I am seeking information for personal use and not for commercial use.**

**Thank you for your consideration,**

**Name: Nina Gilden Seavey  
Street Address: 7214 Spruce Avenue  
City/State/ZIP Code: Takoma Park, MD 20912  
Country (if applicable): U.S.A.  
Telephone (optional): (301) 523-7473  
E-mail (optional): nina.seavey@yahoo.com**

# Exhibit G

March 3, 2015

**Freedom of Information and Privacy Acts requests**

To: Federal Bureau of Investigation  
Record/Information Dissemination Section  
170 Marcel Dr.  
Winchester, VA 22602-4483

This letter is a cover letter for the here-enclosed requests under the U.S. Freedom of Information and Privacy Acts (5 U.S.C. §552/552a) and the regulations promulgated thereunder. It is submitted to FBI RIDS by Nina Gilden Seavey. As the information contained within this cover letter is crucial to the processing of the here-enclosed requests, please ensure that a copy of this cover letter is provided to all personnel involved in the processing of these requests.

REQUESTER INFORMATION

Nina Gilden Seavey  
7214 Spruce Avenue  
Takoma Park, MD 20912  
[nina.seavey@yahoo.com](mailto:nina.seavey@yahoo.com)  
(301) 523-7473

RECORDS SOUGHT

I request disclosure of any and all records that were prepared, received, transmitted, collected and/or maintained by the FBI, the Terrorist Screening Center, the National Joint Terrorism Task Force, or any Joint Terrorism Task Force constituting or referring or relating to:

1. The following living individuals (privacy waivers attached except where noted):

- **Garland Allen**
- **Carl Boggs, Jr.**
- **William “Bill” Bothwell (privacy waiver not attached)**
- **Clay Claiborne**
- **David Colfax (privacy waiver not attached)**
- **William Henry Danforth II (privacy waiver not attached)**
- **Devereux Kennedy**
- **Terry Koch**
- **Daniel “Danny” Kohl**
- **Michael Ledeen (privacy waiver not attached)**

- **Howard Lawrence Mechanic a/k/a Gary Robert Tredway a/k/a/ Gary Raymond Tredway**
- **Gail Pellett**
- **Carter Revard (privacy waiver not attached)**
- **Edward Rollins (privacy waiver not attached)**
- **Susan Rosenblum**
- **Jeffrey Schevitz (privacy waiver not attached)**
- **Michael Semler**
- **Trudi Spigel (previous declassified FBI document attached)**
- **Bobbie Wunsch**
- **Ben Zaricor (privacy waiver not attached)**

2. The following deceased individuals (proof of death attached):

- **William Markham Akin**
- **Gladys Watkins Allen**
- **Angus Sorenson Alston**
- **Donald Bird**
- **Robert Boguslaw**
- **Dan I Bolef**
- **Robert Buckhout**
- **David Randolph Calhoun**
- **George Howard Capps**
- **Maurice Ripley Chambers**
- **Clark Clifford**
- **Joseph Cohn**
- **Barry Commoner**
- **Carl Anton Dauten**
- **Frederick Lewis Deming**
- **James Marsh Douglas**
- **Thomas H. Eliot**
- **Paul Abraham Freund**
- **Louis Gilden**
- **Alvin Gouldner**
- **Steve Graham**
- **William Lester Hadley Griffin**
- **Walter Alfred Hayes**
- **Irving Louis Horowitz**
- **Merl Martin Huntsinger**
- **James Lee Johnson, Jr.**
- **Edwin Scoville Jones**
- **Merle Kling**
- **Lawrence Kogan**
- **David Sloan Lewis**

- **Morton David May**
- **James Smith McDonnell**
- **Sanford Noyes McDonnell**
- **Robert Harvey McRoberts**
- **Howard Joseph Morgens**
- **Isadore Erwin Millstone**
- **Charles Oldham**
- **John Merrill Olin**
- **Spencer Truman Olin**
- **George Edward Pake**
- **Paul Piccone**
- **Frank Rupert**
- **Samuel Charles Sachs**
- **Warren McKinney Shapleigh**
- **Ethan Allen Shepley**
- **Robert Brookings Smith**
- **Howard Albert Stamper**
- **Elliot Horace Stein**
- **Harold E Thayer**
- **Charles Allen Thomas**
- **Richard Kalter Weil**
- **Burton Wheeler**
- **Dennis Winkler**

3. The following organizations/movements:

- **Washington University in St. Louis**
- **Washington University in St. Louis Sociology Department**
- **Washington University in St. Louis Political Science Department**
- **Board of Trustees of Washington University – St. Louis**
- **St. Louis County Police Department**
- **University City Police Department**
- **City of Clayton Police Department**
- **Students for a Democratic Society (SDS)**
- **The New Left**
- **Young Americans for Freedom (YAF)**
- **Peace Information Center (St. Louis)**
- **Student Peace Movement (SPU) (St. Louis)**
- **Action Committee to Increase Opportunities for Negroes (ACTION)**
- **The Black Panthers**
- **St. Louis Black Liberators**
- **St. Louis Draft Resistance (SLDR)**
- **Committee to Support Draft Resistance (CSDR)**



- **Women's International Committee for Peace and Freedom (St. Louis Chapter)**
- **St. Louis War Resisters League**
- **The Rebstock Group**
- **University Council (Washington University)**
- **ROTC Washington University**
- **Left Bank Books**

4. The following files or documents:

- **12-112434**
- **14-77**
- **25-12156**
- **25-12552**
- **25-21640**
- **25-22028**
- **25-24572**
- **25-121563**
- **25-556446**
- **44-935**
- **44-45068**
- **57-6-42**
- **61-3499**
- **61-14635**
- **62-5-30535**
- **62-102939**
- **62-111181**
- **62-112228**
- **65-14635**
- **65-22077**
- **65-22113**
- **65-22436**
- **65-25648**
- **65-25963**
- **65-67654**
- **65-67838**
- **65-68220**
- **65-74112**
- **69-1125**
- **98-672**
- **98-673**
- **98-1481**
- **98-2139**
- **98-46432**

- 98-46507
- 100-439
- 100-443
- 100-10173
- 100-10988
- 100-14259
- 100-14472
- 100-16205
- 100-17150
- 100-17285
- 100-19355
- 100-19453
- 100-19532
- 100-19543
- 100-19785
- 100-19961
- 100-20324
- 100-20325
- 100-20608
- 100-20609
- 100-20884
- 100-20896
- 100-20910
- 100-20911
- 100-20925
- 100-20957
- 100-20958
- 100-20981
- 100-20987
- 100-21008
- 100-21213
- 100-21236
- 100-21303
- 100-21306
- 100-21307
- 100-21330
- 100-21339
- 100-21365
- 100-21368
- 100-21383
- 100-21389
- 100-21410
- 100-21431

- 100-21444
- 100-21465
- 100-21466
- 100-21488
- 100-21513
- 100-21539
- 100-21559
- 100-21607
- 100-21616
- 100-21761
- 100-21776
- 100-21841
- 100-21894
- 100-21919
- 100-21930
- 100-21931
- 100-22036
- 100-22259
- 100-22821
- 100-27247
- 100-38043
- 100-46171
- 100-47216
- 100-49205
- 100-148047
- 100-158916
- 100-161638
- 100-163103
- 100-164563
- 100-439048
- 100-446997
- 100-448006
- 100-448608
- 100-449289
- 100-449698
- 100-451098
- 100-451235
- 100-451621
- 100-453121
- 100-454565
- 100-457443
- 100-463606
- 100- 53004

- 100-53848
- 100-67885
- 105-4084
- 105-6258C
- 105-63115
- 105-81667
- 105-82304
- 105-85753
- 105-92078
- 105-106218
- 105-123035
- 105-140092
- 105-156261
- 105-21310
- 105-138315
- 105-153370
- 105-174932
- 105-173367
- 105-183299
- 105-186630
- 134-544
- 134-5407
- 134-5429
- 134-5430
- 144-72
- 157-6-42
- 157-4023
- 157-5818
- 157-5864
- 157-5869
- 157-5951
- 157-5964
- 157-6018
- 163-257
- 174-180
- 176-5
- 176-10
- 176-65
- 176-1156
- 200-29595
- The 0 (zero) and 00 (double-zero) files for classification code 176
- The 0 (zero) and 00 (double-zero) files for classification code 157

5. The following events:

- **December 6 – 16, 1968 sit-in and occupation of university building by students**
- **February 23, 1970 fire that destroyed the ROTC Building on the Washington University campus**
- **Investigations of claims by Washington University St. Louis students that their civil rights were infringed because they were not able to go to classes because of protesters blocking entrances**
- **A meeting at Holmes Lounge on March 24, 1970**
- **March 24 restraining order**
- **May 4-5, 1970 protest on the campus of Washington University St. Louis**
- **The fire at the Washington University St. Louis Air Force ROTC building during a Vietnam war protest on May 4-5, 1970 and the throwing of a cherry bomb at the police**
- **Municipal and Federal indictments, convictions and sentencing of student demonstrators**
- **The January 2001 pardoning of Howard Mechanic by President Clinton**

6. The following media and publications:

- **The newspaper *Student Life* – Washington University Student Newspaper**
- **The newspaper *The Outlaw* – Independent newspaper published between 1970-1973 inclusive**
- ***The McDonnell Film***
- **KDNA Radio**

7. The following subject matters:

- **The Civil Disobedience Act of 1968, 18 U.S.C. § 231**
- **18 U.S.C. § 231 (a)(3)**
- **The court cases *United States of America v. Howard Mechanic* and *United States of America v. Lawrence Kogan***
- **The March 24, 1970 issuance of a temporary restraining order by the Circuit Court of St. Louis County against several individuals including Howard Mechanic and Lawrence Kogan**
- **The May 25 – June 11, 1970 contempt trial of Howard Mechanic and Lawrence Kogan for violation of the restraining order**
- **Grand Jury investigations, inquiries, witnesses, and indictments between January and July, 1970**

8. The following government programs

- **SPECTAR**
- **113<sup>th</sup> MI Group**
- **113<sup>th</sup> MI Group III**

**INFORMATION REGARDING THE PROCESSING OF THESE REQUESTS**

**All below information pertains to all here-enclosed requests:**

**1) Request for FBI Headquarters, Field Office, Task Force Offices, and other Offices Searches:**

Notwithstanding the fact that the FBI may have the ability to search certain records centrally that previously could only be searched by the field offices, I request that complete and thorough searches for any and all records referring or relating to the subjects of my requests be conducted in any and all indices, filing systems, and locations maintained by FBI headquarters, any and all FBI field offices and/or resident agencies, and any and all FBI and/or Joint task force offices.

These searches should include but not be limited to the following offices, divisions, branches, and locations:

Director, Chief of Staff, Deputy Director, Special Agents in Charge (SACs), the Office of Public Affairs, the Office of Congressional Affairs, the Office of the General Counsel, the Office of Equal Employment Opportunity, the Office of Professional Responsibility, the Office of the Ombudsman, the Office of Integrity and Compliance, Executive Assistant Director for National Security Branch/Associate Executive, Assistant Director for National Security Branch, Counterterrorism Division, Counterintelligence Division, Directorate of Intelligence, Weapons of Mass Destruction Directorate, Executive Assistant Director for Criminal, Cyber, Response, and Services Branch Criminal Investigative Division, Cyber Division, Critical Incident Response Group, International Operations Division, Office of Law Enforcement Coordination, Executive Assistant Director for Science and Technology Branch, Operational Technology Division, Laboratory Division, Criminal Justice Information Services Division, Associate Deputy Director, Resource Planning Office, Inspection Division, Facilities and Logistics Services Division, Finance Division, Records Management Division, Security Division, Executive Assistant Director for Information and Technology Branch, IT Management Division, IT Engineering Division, IT Services Division, Executive Assistant Director for Human Resources Branch, Training and Development Division, and Human Resources Division.

**2) Request for Main File and Cross-Reference Searches:**

I request searches of all main file *and cross-reference* indices, filing systems, and

locations for any and all records referring or relating to any and all subjects of my requests.

Records responsive to my request are likely to be contained in the FBI's files that were created as part of COINTELPRO. The FBI has already declassified a number of documents now found in the on-line vault relating to the St. Louis Bureau and COINTELPRO (<http://vault.fbi.gov/cointel-pro/new-left/cointel-pro-new-left-st-louis-part-01-of-01/view>). Therefore, please ensure that all relevant COINTELPRO files are reviewed to locate responsive records. This would include, but not be limited to: 100-449698 (COINTELPRO/New Left) and 100-448006 (COINTELPRO/Black extremist).

Records responsive to my request are also likely to be in records containing information received as part of one of potentially three CIA programs: OPERATION CHAOS, PROJECT MERRIMAC and PROJECT RESISTANCE. Please ensure that all relevant files relating to OPERATION CHAOS, PROJECT MERRIMAC, and PROJECT RESISTANCE are searched for records responsive to my request. Because of the domestic surveillance nature of these programs and the potential interest of many of these individuals and organizations, and the forwarding of files, both by post and by courier, between and to the CIA and military intelligence further records please assure matches in all requested files.

***Do not limit*** cross-reference searches for any of the here-enclosed requests to any of the events, dates, or matters described in the section entitled "Additional Background Information." Conduct full cross-reference searches for these requests.

**3) Request for Searches for FOI/PA Records, 197 Files, (-0, -2, -5) Control Files, "0" Files, & "00" Files.**

For main file searches, cross-reference searches, and all other relevant searches, I request searches for records constituting or referring or relating to Freedom of Information and/or Privacy Act's requests submitted by, on behalf of, or about the subjects of my requests. This includes any and all records constituting or referring or relating to FOIPA litigation pertaining to such FOIPA requests.

My here-enclosed requests include but are not limited to searches of 190 files, indices of responses to previous FOI/PA requests, and 197 Files. My requests also include but are not limited to searches of the FBI's FOIA Data Processing System (FDPS) and Request Tracking System (RTS). If any FOIA/Privacy Act requests are found which were submitted by, on behalf of, or about the subject(s) of my requests, I also request any and all processing notes, search slips, and any and all other records generated in the course of perfecting, locating, responding to, or otherwise processing those requests.

For main file searches, cross-reference searches, and all other relevant searches, my requests also include but are not limited to (-0, -2, -5) Control Files constituting or referring or relating to the subject(s) of my requests.

For main file searches, cross-reference searches, and all other relevant searches, my requests also include but are not limited to "0" (zero) files and "00" (double zero) files constituting or referring or relating to the subject(s) of my requests.<sup>1</sup>

#### **4) Request for Text Searches of the ECF and other Systems:**

For main file searches, cross-reference searches, and all other relevant searches for all subjects of my requests, I request that full text searches of the ECF (Electronic Case File) be conducted.<sup>2</sup> I also request full text searches of any and all other systems, databases, and indices that can be text searched.

#### **5) Request for ELSUR, MISUR, and FISUR Searches:**

Notwithstanding the fact that the FBI may be able to search MISUR and FISUR through the Central Records System, I request main file and cross-reference searches of all electronic, microphone, and physical surveillance indices, filing systems, and locations for any and all records referring or relating to the subject(s) of my requests. These ELSUR, MISUR, and FISUR searches should include but not be

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<sup>1</sup> "Each [FBI] classification begins with a zero (0) file and a double zero (00) file, which are used for documents relating to the individual classification but which do not warrant an individual file. Most 00 files include material relating to the administrative history of the classification and document why the classification was initiated, changes in legislation modifying the Bureau's investigative responsibilities, investigative policy, unique investigative procedures, and jurisdictional disputes between the Bureau and other federal agencies. Before the 00 files were established, 0 files were sometimes used for policy documentation relating to the classification. But for the most part the 0 files now consist of citizen complaints, routine requests for information, general reference material and newspaper clippings. In 1977, the FBI began using the 0 files for one-serial (single document) cases that would previously have been separate case files." James Gregory Bradsher, "The FBI Records Appraisal," *Archival Issues*, Vol. 25, 1-2, 2000: 101-118. Additionally, while there is some overlap between FBI Headquarters "0" files and the "0" files of the various FBI fields offices, distinct 0 files are produced and maintained by FBI Headquarters and the various FBI field offices. Likewise, while there is some overlap between FBI Headquarters "00" files and the "00" files of the various FBI fields offices, distinct 00 files are produced and maintained by FBI Headquarters and the various FBI field offices. See [http://www.archives.gov/records-mgmt/rcs/schedules/departments/departments-of-justice/rg-0065/n1-065-86-025\\_sf115.pdf](http://www.archives.gov/records-mgmt/rcs/schedules/departments/departments-of-justice/rg-0065/n1-065-86-025_sf115.pdf).

<sup>2</sup> As stated by FBI Record/Information Dissemination Section Chief, David M. Hardy, in his 31 January 2013 Declaration to the U. S. District Court for the District of Columbia (Case 1:12-cv-01660-RMC), "Because the decision to index names in a specific document can vary from document to document, the text search [of the ECF] provide[s] a more comprehensive search of the CRS."



limited to searches for “principals,” “overhears,” and “mentions.” *Do not conduct searches for “principals” only.* These searches should also include but not be limited to ELSUR, MISUR, and FISUR searches at all FBI field office, resident agency, and task force locations utilizing the same search specifications described above.<sup>3</sup>

## **6) Request for Searches of Indices:**

I request that searches for all here-enclosed requests include but not be limited to searches of the following indices: General index; Administrative Index (ADEX); Agitator Index; Alternate Offices Indices; Anonymous Letter File; Associates of Drug Enforcement Class I Narcotics Violators; Background Investigation Index – Department of Justice; Background Investigation Index – White House, Other Executive Agencies, and Congress; Background Investigation Index – Department of Energy; Bank Fraud and Embezzlement Index; Bank Robbery Albums; Bank Robbery Nickname Index; Bank Robbery Note File; Bank Robbery Suspect Index; Black Panther Party Photo Index; Black United Front Index; Car Ring Case Photo Albums; Car Ring Case Photo Album and Index; Car Ring Case Toll-Call Index, Car Ring Theft Working Index; Cartage Albums; Channelizing Index; Check Circular File; Computerized Telephone Number File Intelligence; Con Man Index; Confidence Game (Flimflam) Albums; Copyright Matters Index; Criminal Intelligence Index; Criminal Informant Index; Drug Enforcement Agency (DA) Class I Narcotics Violators Listing; Deserter Index; ELSUR Index; Evidence Control Index; Extremist Informant Index; Extremist Photo Albums; False Identities Index; False Identities Program List; False Identity Photo Albums; FBI/Inspector General Case Pointer System; FBI Wanted Persons Index; Foreign Counterintelligence (FCI) Asset Index; Foreign Police Cooperation Index; Fraud against the Government Index; Fugitive Bank Robbers File; General Security Index; Hoodlum License Plate Index; Identification Order Fugitive Flier File; Informant Index; Index of Informants in Other Field Offices; Interstate Transportation of Stolen Aircraft Photo Album; Internal Revenue Service (IRS) Wanted List; Key Activist Program Albums; Key Extremist Program Listing; Kidnapping Book; Known Check Passers Album; Known Gambler Index; La Cosa Nostra (LCN) Membership Index; Leased Line Letter Request Index; Mail Cover Index; Mail Cover Statistics Index; Military Deserter Index; National Bank Robbery Albums; National Fraudulent Check File; National Security Electronic Surveillance (ELSUR) Card File; National Security Electronic Surveillance File; Night Depository Trap Index; Organized Crime Photo Albums; Photospread Identification Elimination File; Prostitute Photo Albums; Rabble-Rouser Index; Reserve Index; Royal Canadian Mounted Police (RCMP) Wanted Circular File; Security Index; Security Informant Index; Security Subjects Control Index; Security Telephone Number Index; Selective Service Violators Index; Skyjack

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<sup>3</sup> Mr. Hardy himself admits in his 12 September 2013 “Fourth Declaration of David M. Hardy” to the U. S. District Court for the District of Columbia (Case 1:12-cv-01660-RMC) that “overhears” [and likely “mentions” as well] recorded after 1969 “cannot be retrieved through the FBIHQ ELSUR Index[,]” but rather only through the FBI field office ELSUR indices.

Fugitive Albums; Sources of Information Index; Special Services Index; Stolen Checks and Fraud-by-Wire Index; Stop Notices Index; Surveillance Locator Index; Symbionese Liberation Army (SLA) Index; Telephone Number Index – Gamblers; Telephone Subscribers and Toll Record Check Index; Thieves, Couriers, and Fences Photo Index; Toll Records Request Index; Top Burglar Albums; Top Echelon Criminal Informant Program Index; Top Ten Program File; Top Their Program Index; Truck Hijack Photo Albums; Truck Thief Suspect Photo Album; Traveling Criminal Photo Album; Veterans Administration (VA)/Federal Housing Administration (FHA) Matters Index; Wanted Fliers File; Weathermen Photo Album; WheelDEX; White House Special Index; Witness Protection Program Index; and Wounded Knee Album .

**7) Request for Searches of Laboratory Records:**

For main file searches, cross-reference searches, and all other relevant searches, I request searches of all laboratory indices, filing systems, and locations for any and all records constituting or referring or relating to the subject(s) of my requests. My requests include but are not limited to searches for laboratory records.

**8) Request for Confidential Searches:**

For main file searches, cross-reference searches, and all other relevant searches, I request searches of all confidential indices, filing systems, and locations for any and all records constituting or referring or relating to the subject(s) of my requests be conducted.

**9) Request for Searches of Seized Asset Information:**

For main file searches, cross-reference searches, and all other relevant searches, I request searches of any and all records systems and indices pertaining to seized asset information for any and all records constituting or referring or relating to the subject(s) of my requests.

**10) Request for Searches of the FBI's "Bureau Mailing Lists" records system:**

For main file searches, cross-reference searches, and all other relevant searches, I request searches of the FBI's "Bureau Mailing lists" records system for any and all records constituting or referring or relating to the subject(s) of my requests.

**11) Request for Searches of the "Special File Room":**

For main file searches, cross-reference searches, and all other relevant searches, I request searches of the "Special File Room" for any and all records constituting or referring or relating to the subject(s) of my requests.

**12) Request for Computer, Intranet, and Internal Network Searches:**

For main file searches, cross-reference searches, and all other relevant searches, search all systems of records that are available to the FBI through any computer, InterCommunication Intranet, or any other intranet or internal U.S. government or FBI network. Your searches of intranet and internal network systems of records should include but not be limited to: Bureaupedia, Intellipedia, and any wiki to which the FBI has access; Field Office Management System (FOIMS); National Information Sharing Strategy (NISS) and its components, the Law Enforcement Online (LEO), Law Enforcement National Data Exchange (N-DEx), and OneDOJ; the FBI's Records/Information Dissemination Section (RIDS) and Work Process Unit (WPU) SharePoint sites, any other SharePoint sites available to the FBI; eChirp<sup>4</sup>; Subject Matter Expert (SME) pages; NCTC Online; FBI Top Secret/Sensitive Compartmented Information Operational Network (SCION); FBI Data Integration and Visualization System (DIVS); Delta; FISAMS; DWS/EDMS; Data Loading and Analysis System (DaLAS); Telephone Application; Clearwater; Investigative Data Warehouse; Guardian/eGuardian; Sentinel; Automated Case Support (ACS) Universal Index; ACS Electronic Case File; and ACS Investigative Case Management.

**13) Request for Training Manuals Searches:**

For main file searches, cross-reference searches, and all other relevant searches, search all training materials, including but not limited to material used at, or in the possession of, the FBI's Quantico training facility, the National Executive Institute, Executive Development Institute (EDI), Law Enforcement Executive Development Seminar (LEEDS), International Law Enforcement Academy, and the FBI's Virtual Academy.

**14) Request for Intelligence Products Searches:**

For main file searches, cross-reference searches, and all other relevant searches, search all FBI intelligence products, including but not limited to: Intelligence Information Reports (IIRs), Intelligence Bulletins, Situational Intelligence Reports, Assessments, Emerging Trend Reports, monthly (or otherwise periodic) emails from the Threat Monitoring Unit (TMU) to field offices, and Intelligence Briefings. Also search all non-FBI intelligence products that are in the possession of the FBI or to which the FBI has access, including but not limited to the "Threat Matrix."

**15) Request for NCIC Searches:**

For main file searches, cross-reference searches, and all other relevant searches, search all NCIC files, including but not limited to: Article File; Gun File; Boat File;

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<sup>4</sup>On eChirp, see <http://www.washingtonpost.com/blogs/the-switch/wp/2013/11/01/u-s-intelligence-agencies-have-their-own-twitter-its-called-echirp/>

Securities File; Vehicle File; Vehicle and Boat Parts File; License Plate File; Missing Persons File; Foreign Fugitive File; Identity Theft File; Immigration Violator File; Protection Order File; Supervised Release File; Unidentified Persons File; U.S. Secret Service Protective File; Gang File; Known or Appropriately Suspected Terrorist File; and the Wanted Persons File.

**16) Request for Affiliated Searches:**

For main file searches, cross-reference searches, and all other relevant searches, search records of any offices or components through which the FBI collaborates, trains, or otherwise works with non-governmental entities, including but not limited to the Domestic Security Alliance Council, the Business Alliance, Infragard, Academic Alliance, and the FBI Citizen's Academy.

**17) Request for Downgraded and Obsolete Systems Searches:**

For main file searches, cross-reference searches, and all other relevant searches, search systems of records that are still in existence but have had their funding eliminated, have been downgraded, or are considered obsolete.

**18) Request for Email Searches:**

For main file searches, cross-reference searches, and all other relevant searches, your searches should include but not be limited to searches for emails. In searching for emails, you are instructed to search personal email accounts of all employees and former employees who did or may have sent or received emails regarding the subject(s) of these requests. You are also instructed to search institutional, public, shared, group, duty, task force, and all other joint and/or multi-user email accounts which did or may have been utilized by each such employee or former employee. Additionally, for each relevant email account identified, search all storage areas, including but not limited to the inbox folder and sub-folders, sent folder, deleted folder, and any and all archives. Your searches for emails should include but not be limited to Outlook, GroupWise, and Exchange, as well as any other email system.

**19) Request for EC's**

I request an Electronic Communication (EC) be sent to all FBI offices, sections, and divisions likely to possess responsive records. This EC should detail the requested records as well as all other relevant information contained in my request. This EC should further instruct all personnel within each office, section, and division to conduct a thorough search for any and all potentially responsive records in their possession, including but not limited to emails and draft documents.

I further request an email be sent to all Chief Division Counsels of all FBI field offices. This EC should detail the requested records as well as all other relevant information contained in my request. This EC should further instruct said counsel to

search for any and all potentially responsive records within their offices.

**20) Request for Searches of CORE, PRISM, BLARNEY, Upstream, and Fairview:**

I request the FBI search the CORE, PRISM, BLARNEY, Upstream, and Fairview systems for any and all records constituting or referring or relating to the subject(s) of my requests.

**21) Request for Searches for CART Records:**

I request the FBI search for CART notes, reports, and other records constituting or referring or relating to the subject(s) of my requests.

**22) Request for Business Records Orders Records:**

I request searches for records constituting, or referring or relating to business records orders.<sup>5</sup>

**23) Request for additional Filing Systems, Indices, and Locations Searches:**

For main file searches, cross-reference searches, and all other relevant searches, search all of your paper and manual indices, filing systems, and locations, including those I have not specified by name and those of which I may not be aware.

Because the subjects of my request were born during or prior to 1958 and the events occurred during or before 1979, I request that the FBI search its manual indices (inactive index cards).

**24) Request for Ticklers:**

For main file searches, cross-reference searches, and all other relevant searches, search for any and all “ticklers” referring or relating to the subject(s) of my requests.<sup>6</sup>

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<sup>5</sup> According to FBI RIDS' Section Chief, David Hardy, a business records order is an extremely important tool in combating terrorism and ensuring the safety of the United States. The order is issued by the FISA Court in cases where the FBI is conducting a foreign intelligence investigation not concerning a United States person, or is seeking to prevent international terrorism or clandestine intelligence activities. The issuance of such orders permits the FBI to obtain important records and substantive information relevant to the investigation. (Case 1:11-cv-07562-WHP Doc. 47 Filed 02/08/13, p. 19)

<sup>6</sup> As articulated in *Campbell v. United States DOJ*, 164 F.3d 20, 27 n.1 (1998), “A ‘tickler’ is a duplicate [FBI] file containing copies of documents, usually kept by a supervisor. Such files can be of interest to a FOIA requester because they could contain documents that failed to survive in other filing systems or that include unique annotations.”

**25) Request for Duplicate Pages:**

I request disclosure of any and all supposedly "duplicate" pages. Scholars analyze records not only for the information available on any given page, but also for the relationships between that information and information on pages surrounding it. As such, though certain pages may have been previously released to me, the existence of those pages within new a context or contexts renders them functionally new pages. Therefore, the only way to properly analyze released information is to analyze that information within its proper context. Consequently, I request disclosure of all "duplicate" pages.

**26) Request for Searches of Open Source Material and Records Transferred to Outside Entities:**

I request that in conducting the requested searches, the FBI process and disclose responsive records even if the FBI considers those records to be open source. This includes but is not limited to searches of/for records transferred by the FBI to entities outside the FBI, including but not limited to the National Archives and Records Administration (NARA).

**27) Request for Additional Included References:**

As a component of the here-enclosed requests, I request that any references to individuals for whom I have provided DOJ-361 forms or obituaries contained in any of the here-requested releases be provided to me unredacted.

**28) Instructions regarding "Records":**

For main file searches, cross-reference searches, and all other relevant searches, my requests includes but are not limited to: documents; reports; memoranda; letters; electronic files; "See Also" files; "Do Not File" files; "Official & Confidential" files; Nichols files; W. Mark Felt Files; Interesting Case write-ups; FBI Budget Records; numbered and lettered subfiles; 1A envelopes; 1C bulky evidence; routing slips; enclosures behind files (EBF's); "Personal & Confidential" files; restricted files; photographs, audio tapes & videotapes; "JUNE" files; "Obscene" Files; "Subversive" Indexes; Bulky Exhibits; control files; mail covers; trash covers; zero files; double zero files; Weekly Press Summary File; Monthly Administrative Reports; prosecutive report; non-prosecutive summary; investigative reports; negative results of investigation; Five-Year Reinvestigation; Public Financial Disclosure Reports; newspaper clippings; misconduct investigations; News Releases; Photostats; Originating Agency Identifier File; interview notes; investigative notes; FD-302s; National Periodical Summary File; Letterhead Memorandum (LHM); blind Memorandum; office Memorandum; SAC Memorandum; Media Matters Statistical Collection Form; Manuals; logs; job postings; administrative data; Law Enforcement Bulletin; Special Surveillance Group Daily Worksheet; Accomplishment Reports;

cumulative/comparative reports; dead files; contracts; non-investigative files; legal files; Legat files; office of origin files; OPR records; Recreation Association records; cryptomaterials; recording of outside contacts; consensual monitoring transcriptions; inquiries from members of Congress; confidential source material; letters from chronic letter writers; and any index citations relating to the subjects of my requests or referencing the subjects of my requests ("see also") in other files.

When processing the here-enclosed requests, note the D.C. Circuit has held that agencies have a duty to construe the subject material of FOIA requests liberally to ensure responsive records are not overlooked. See *Nation Magazine, Washington Bureau v. U.S. Customs Service*, 71 F.3d 885, 890 (D.C. Cir. 1995). Accordingly, you are hereby instructed that the term "record" includes, but is not limited to: 1) all email communications to or from any individual within your agency; 2) memoranda; 3) inter-agency communications; 4) sound recordings; 5) tape recordings; 6) video or film recordings; 7) photographs; 8) notes; 9) notebooks; 10) indices; 11) jottings; 12) message slips; 13) letters or correspondence; 14) telexes; 15) telegrams; 16) facsimile transmissions; 17) statements; 18) policies; 19) manuals or binders; 20) books; 21) handbooks; 22) business records; 23) personnel records; 24) ledgers; 25) notices; 26) warnings; 27) affidavits; 28) declarations under penalty of perjury; 29) unsworn statements; 30) reports; 31) diaries; 32) calendars, regardless of whether they are handwritten, printed, typed, mechanically or electronically recorded or reproduced on any medium capable of conveying an image, such as paper, CDs, DVDs, or diskettes; or 33) surveys.

Furthermore, in line with the guidance issued by the Department of Justice ("DOJ") on 9 September 2008 to all federal agencies with records subject to the Freedom of Information Act, agency records that are currently in the possession of a U.S. Government contractor for purposes of records management remain subject to FOIA. Please ensure that your searches comply with this clarification on the effect of Section 9 of the OPEN Government Act of 2007 of the definition of a "record" for FOIA purposes.

Additionally, the here-enclosed requests include but are not limited to records sent to outside third parties and records originating with outside third parties.

## **29) Instructions regarding Scope and Breadth of my Requests:**

Interpret the scope of the here-enclosed requests broadly. The FBI is instructed to interpret the scope of these requests in the most liberal manner possible short of an interpretation that would lead to a conclusion that the requests do not reasonably describe the records sought.

Along these lines<sup>7</sup>:

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<sup>7</sup> 29(a), 29(b), and 29(c) are provided as specific components of section 29 but do not represent section 29 in its totality. 29(a), 29(b), and 29(c) are provided in order to assist

a) The here-enclosed requests include but are not limited to investigations of the above-listed subjects and/or agents or representatives thereof, but also include any communications, contacts, correspondence, meetings, information exchanges, information provision, information accessing, cooperation, interactions, and/or general awareness of the subjects of my requests by/with the FBI, the NJTTF, or any JTTF. If a subject or subjects of my requests and/or agents, representatives, print, digital, or other materials, periodicals, websites, email lists, and/or databases thereof appear in any capacity within records prepared, received, transmitted, collected and/or maintained by the FBI, the National Joint Terrorism Task Force, or any Joint Terrorism Task Force, I request disclosure of those records.

b) For all files requested herein, regardless of the type of search that located those files, my request includes but is not limited to all records constituting or relating or referring to all variations of alpha designator (or the lack of such an alpha designator) following the classification code of the file identification. For example, a request for file 157-1240 would include but not be limited to file 157A-1240, file 157B-1240, file 157C-1240, file 157D-1240, and so on.

c) For any and all records requested herein, regardless of the type of search that located those records, my request is for entire files, including but not limited to all sub-files of any sort, including but not limited to all serials.

### **30) Instructions regarding "Leads":**

As required by the relevant case law, the FBI is required to follow any leads it discovers during the conduct of its searches and perform additional searches when said leads indicate that records may be located in another FBI system. Failure to follow clear leads is a violation of FOIA.

### **31) Instructions regarding Drives and Storage Media:**

For main file searches, cross-reference searches, and all other relevant searches, your searches should include but not be limited to searches of: files stored locally on individual computers (all drives); remote-access drives assigned to individual users; shared drives; removable media and storage drives; and mobile computing equipment, such as temporarily assigned laptops and smart devices.

### **32) Instructions regarding Federated Searches:**

If you perform any federated searches (i.e., a search across multiple databases), ensure the user performing the searches has access to all content of all the databases searched.

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the FBI in locating the requested records. They are not intended to limit the scope or breadth of section 29 or of my here-enclosed requests more broadly.



**33) Instructions regarding Photographs & other Image-based Materials:**

I request that any photographs or other still or motion picture visual materials responsive to my requests be released to me in their original or comparable forms, quality, and resolution. For example, if a photograph was taken digitally, or if the FBI maintains a photograph digitally, I request disclosure of the original digital image file, not a reduced resolution version of that image file nor a printout and scan of that image file. Likewise, if a photograph was originally taken as a color photograph, I request disclosure of that photograph as a color image, not a black and white image. Please contact me for any clarification on this point.

**34) Instructions regarding Previously Processed Records:**

The here-enclosed FOIPA requests are for new complete and thorough searches for any and all records constituting or referring or relating to the subjects of my requests. The release of previously processed records or files will not satisfy the here-enclosed requests.

**35) Instructions and Request regarding Missing Records:**

Place any "missing" records that are responsive or potentially responsive to my request(s) on "special locate" and advise me in writing that you have done so.

If a record or records responsive or potentially responsive to my request(s) cannot be located, I request disclosure of any and all records referring or relating to the missing record or records. This includes but is not limited to: 1) any and all records indicating the existence (including the former existence) of the missing record(s); 2) any and all records indicating the potential responsiveness of the missing record(s) to my request(s); 3) any and all processing notes, search slips, or any other records generated in the course of perfecting, locating, responding to, or otherwise processing the request(s) to which the missing record(s) are or may be responsive; 4) any and all other records constituting or referring or relating to the missing record(s).

**36) Instructions and Request regarding Destroyed Records:**

If any record(s) responsive or potentially responsive to my requests have been destroyed, my requests include but are not limited to any and all records referring or relating to the destruction of said record(s). This includes but is not limited to any and all records referring or relating to the events, procedures, or decisions leading to the destruction of the destroyed record(s).

**37) Instructions regarding Transmission & Format:**

I request the FBI provide me any releases stemming from the here-enclosed requests via email or other electronic transmission on a rolling basis. I request the FBI compress any files in .zip format before emailing them to me.

If the FBI is unwilling to provide me the requested records via email or other electronic transmission, I request any releases stemming from the here-enclosed requests be provided to me in digital format (soft-copy) on a compact disk or other like media.

**38) Instructions regarding Exemptions and Segregability:**

I call your attention to President Obama's 21 January 2009 Memorandum concerning the Freedom of Information Act, in which he states:

All agencies should adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in FOIA [...] The presumption of disclosure should be applied to all decisions involving FOIA.<sup>8</sup>

In the same Memorandum, President Obama added that government information should not be kept confidential "merely because public officials might be embarrassed by disclosure, because errors and failures might be revealed, or because of speculative or abstract fears."

Finally, President Obama ordered that "The Freedom of Information Act should be administered with a clear presumption: In the case of doubt, openness prevails."

Nonetheless, if any responsive record or portion thereof is claimed to be exempt from production, FOIA/PA statutes provide that even if some of the requested material is properly exempt from mandatory disclosure, all segregable portions must be released. If documents are denied in part or in whole, please specify which exemption(s) is (are) claimed for each passage or whole document denied. Please provide a complete itemized inventory and a detailed factual justification of total or partial denial of documents. Specify the number of pages in each document and the total number of pages pertaining to this request. For "classified" material denied, please include the following information: the classification (confidential, secret or top secret); identity of the classifier; date or event for automatic declassification or classification review or downgrading; if applicable, identity of official authorizing extension of automatic declassification or review past six years; and, if applicable, the reason for extended classification beyond six years.

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<sup>8</sup> President Barack Obama, "Memorandum for the Heads of Executive Departments and Agencies, Subject: Freedom of Information Act," January 21, 2009; <[http://www.whitehouse.gov/the\\_press\\_office/FreedomofInformationAct/](http://www.whitehouse.gov/the_press_office/FreedomofInformationAct/)>

I expect, as mandated by FOIA, that the remaining non-exempt portions of redacted documents will be released.

Please release all pages regardless of the extent of excising, even if all that remains are the stationery headings or administrative markings.

In addition, I ask that your agency exercise its discretion to release records which may be technically exempt, but where withholding serves no important public interest.

### **39) Additional Instructions:**

Please produce all records with administrative markings and pagination included.

Please send a memo (copy to me) to the appropriate units to assure that no records related to this request are destroyed.

Unless I explicitly authorize otherwise in writing, I do not and will not authorize the administrative closure of any of my requests. Should you need to contact me at any time for clarification or resolution of issues pertaining to this point, please do not hesitate to do so.

### **40) Payment and Fee Category:**

I am willing to pay any reasonable expenses associated with this request, however, as the purpose of the requested disclosure is in full conformity with the statutory requirements for a waiver of fees, I formally request such a waiver. I request a waiver of all costs pursuant to 5 U.S.C. §552(a)(4)(A)(iii) ("Documents shall be furnished without any charge ... if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester."). Disclosure in this case meets the statutory criteria, and a fee waiver would fulfill Congress's legislative intent in amending FOIA. See *Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309,1312 (D.C. Cir. 2003) ("Congress amended FOIA to ensure that it be 'liberally construed in favor of waivers for noncommercial requesters.'").

The Department of Justice regulations provide a two-part test for determining whether a requestor is entitled to a waiver of fees. Records responsive to a request are to be furnished without charge if the requestor has demonstrated that "(i) Disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government, and (ii) Disclosure of the information is not primarily in the commercial interest of the requestor." 28 CFR 16.11(k). The DOJ regulations further require the consideration of the following factors in determining whether the requestor has met the first part of the test: the subject of the request; the

informative value of the information to be disclosed; the contribution to an understanding of the subject by the public likely to result from disclosure; and the significance of the contribution to public understanding. 28 CFR 16.11(k)(2). To determine whether the second part of the test is met, the DOJ regulations require consideration of the following factors: the existence and magnitude of a commercial interest; and the primary interest in disclosure. As explained below, my request clearly meets this two-part test, and is also the type of request, and I am the type of requestor, for which courts have held that waiver of fees is required under FOIA.

***As addressed in detail below, there is a tremendous public and scholarly interest in, and appetite for, disclosure and analysis of the requested records. The requested records are overwhelmingly in the possession of the FBI and not in the public domain. I firmly intend to publicly disseminate the requested disclosures and my analysis thereof. I have already published and spoken extensively on the topics of which the here-submitted requests are part. I firmly intend to continue writing and speaking on these topics and to disseminate document releases stemming from the requested disclosures and my analysis thereof. As an attorney and member of the news media who is expert in the relevant fields and methodologies, I am well qualified to perform this research, analysis, and dissemination. I have a proven track record of so doing. Any commercial interest I have that would be furthered by the requested disclosures is de minimis. As such, I request and am entitled to a complete waiver of search and duplication fees.***

**I. DISCLOSURE OF THE REQUESTED RECORDS IS IN THE PUBLIC INTEREST BECAUSE IT IS LIKELY TO CONTRIBUTE SIGNIFICANTLY TO THE PUBLIC UNDERSTANDING OF THE OPERATIONS AND ACTIVITIES OF THE GOVERNMENT**

A. The subjects of the requested records concern the operations and activities of the FBI and broader government. The subjects of the requested records concern identifiable operations and activities of the FBI and broader government, such as U.S. intelligence agency<sup>9</sup>, law enforcement agency<sup>10</sup>, and broader government understanding and handling of the domestic movement for social justice and anti-war dissent in the United States. This includes but is not limited to extensive U.S. intelligence agency, law enforcement agency, and broader government efforts to surveil and thwart the movement. This also includes U.S. intelligence agency, law enforcement agency, and broader government collusion with foreign governments that had a political interest in the U.S. government efforts to suppress Americans' civil rights guaranteed by the First Amendment to the Constitution. This also includes but is not limited to the utilization of the rhetoric and apparatus of national

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<sup>9</sup> Throughout this section and this request, "U.S. intelligence agencies" should be read to explicitly include the FBI.

<sup>10</sup> Throughout this section and this request, "U.S. law enforcement agencies" should be read to explicitly include the FBI.

security by U.S. intelligence agencies, law enforcement agencies, and the broader U.S. government pursuant of the crackdown on civil rights activists. This also includes but is not limited to the utilization of surveillance techniques against domestic and foreign activists, attorneys, and foreign government officials by U.S. intelligence agencies, law enforcement agencies, and the broader U.S. government. This also includes but is not limited to U.S. intelligence agencies, law enforcement agencies, and broader U.S. government designation of political dissent as constituting terrorism and national security threats. As a key portion of all the above, the subjects of the requested records also include or possibly include, but are not limited to, U.S. intelligence agency, law enforcement agency, and broader government involvement in surveillance of anti-war activists; U.S. intelligence agency, law enforcement agency, and broader government provision of intelligence to foreign governments; U.S. intelligence agency, law enforcement agency, and broader government assistance in the arrest and prosecution of activists; U.S. intelligence agency, law enforcement agency, and broader government monitoring of anti-war activists; U.S. intelligence agency, law enforcement agency, and broader government surveillance of attorneys representing anti-war activists; FBI provision of intelligence regarding anti-war activists to American politicians and policy makers; FBI surveillance of anti-war activists and sympathizers in the United States; COINTELPRO operations against anti-war activists and sympathizers in the United States; and the U.S. designation of anti-war activists as terrorist threats.

The subjects of my requests are each described in detail in their respective here-enclosed requests. Please incorporate these requests as formal elements of this request for a waiver of fees.

For significant additional information pertaining to the significant public significance of the requested disclosures, see below section “i) I firmly intend to analyze the requested records in order to facilitate significant expansion of public understanding of government operations. I am well qualified to perform this analysis.”

B. The disclosure is likely to contribute to an understanding of government operations and activities because the disclosable portions of the requested records will be meaningfully informative about those operations and activities. The vast majority of disclosable information is not already in the public domain, in either a duplicative or a substantially identical form, and therefore the disclosure would add substantial new information to the public’s understanding of issues including but not limited to: US and FBI involvement in surveillance of anti-war activists; US and possibly FBI provision of intelligence regarding Anti-war activists to foreign governments; FBI investigation and/or assistance in the arrests and prosecution of anti-war activists; US and FBI monitoring of anti-war activists; US and FBI broader efforts to surveil and subvert the anti-war civil rights movement; COINTELPRO operations against anti-war activists; FBI provision of intelligence regarding anti-war activists to American politicians and policy makers; FBI surveillance of anti-war activists, politicians, and sympathizers in the United States; FBI surveillance of anti-

war activists and sympathizers in the United States; and the U.S. designation of anti-war activists and organizations as a terrorist threat.

For significant additional information pertaining to the meaningfully informative nature of the requested disclosures, see below section “i) I firmly intend to analyze the requested records in order to facilitate significant expansion of public understanding and dialogue concerning government operations. I am well-qualified to perform this analysis and public discourse.”

C. The disclosure of the requested records will contribute to the increased understanding of a broad general audience of persons interested in the subject, rather than merely my own individual understanding. Further, I have great expertise in the subject area, as well as the ability and intention to effectively convey information to the public.

As explained herein in more detail, the audience likely to be interested in the subject is broad, and includes historians of modern American government, politics, culture, national security, and international affairs; journalists reporting on American politics, government, national security, international affairs, and society; and the general public who watch and engage with public media.

**i) I firmly intend to analyze the requested records in order to facilitate significant expansion of public understanding of government operations. I am well qualified to perform this analysis.**

I would be considered uniquely qualified to engage in this analysis and presentation to the public. I am one of the few documentary filmmakers in the United States who holds academic appointments in both history and film. I hold the rank of full research professor in the Department of History and the School of Media and Public Affairs at George Washington University. I have a Bachelor’s Degree with specializations in American History and French Literature from Washington University in St. Louis and hold a Master’s Degree in History from George Washington University, with a special emphasis in 19<sup>th</sup> and 20<sup>th</sup> century American Social History. It is rare for a professor to hold a position that is at once steeped in a traditional academic discipline, in which I have published a number of articles and monographs, while also crossing over into a far more public, and applied one (such as documentary film) as an outlet for his/her research.

As such, for the past thirty years I have been an accomplished documentary filmmaker having won many accolades for my work, including nominations for five national Emmy Awards (one statue awarded). I have been awarded the Erik Barnouw Prize for Best Historical Film of the Year from the Organization of American Historians, numerous Cine, Telly, and domestic and international film festival awards. I was named the 2006 Woman of Vision by Women in Film and Video and in 2012 was named one of the top 50 journalism faculty in the U.S. My

films have screened in theaters, on television, and in ancillary media around the world. I am particularly well known for my American historical documentary work having received several commissions from the Smithsonian Institution and the National Park Service for their large screen installation films. I have been the recipient of many public, private, and government grants including support from the National Endowment for the Humanities, The National Endowment for the Arts, the Corporation for Public Broadcasting, as well as numerous foundations.

Further, in addition to my own unique qualifications, I will be working with some of the nation's experts in analyzing these documents. Professor Emeritus Henry Berger (letter of support attached) is one of the leading scholars on the historical impact of dissent as it specifically relates to St. Louis, Missouri and even more specifically as it relates to Washington University in St. Louis. Other individuals who have agreed to participate in this project are Professor Emeritus Carl Boggs and Professor Emeritus Garland Allen. Both Professors Boggs and Allen have deep knowledge of this subject both as participants and as faculty observers of the era and circumstance we are exploring. Moreover, the guiding support of Professor Sky Sitney at Georgetown University (letter of support attached), who is both a film scholar as well an active film programmer with credentials at the American Film Institute, the MacArthur Foundation, and the Independent Feature Project, and many other festival and grant-making organizations, will be critical to the process of translating this historical narrative into the visual realm and then bringing it into the public sphere through theatrical and festival screenings in theaters, airings on television, and visibility throughout the digital media.

Therefore, the here-submitted requests are all components of a research project in which I am currently engaged addressing the precise issues onto which these documents will shed light. My project explores the role of the U.S. government, intelligence agencies, and law enforcement agencies in the anti-war movement in St. Louis in the late 1960's and early 1970's. My project includes exploration of the nexus of governmental transparency and the political functioning of U.S. national security in relation to the above. The role of the FBI in these matters is a particular area of emphasis of my project. Ultimately this research will result in both a feature-length documentary film as well as ancillary written materials in popular history for general readers.

Although there has already been many requests made to the FBI on issues of surveillance, this local incident will illuminate the operations of government with broader of impact of how national federal law enforcement policies and actions coalesce with local law enforcement activities and cultural differences that are quite distinct from one region to another. In that sense, this study will marry issues inherent to national considerations with a very specific place, time, and result as was evidenced in St. Louis, Missouri in the 1960's and 1970's. This will shed light on a history that has never been explored in this way.

There is a tremendous both scholarly and popular interest in, and hunger for, the disclosures and analysis resultant of this project. For a few examples already in print and on video that reflect this demonstrable interest across the general public, see the small sampling below.

Some of the important written works on this subject are:

- The Subversives: The FBI's War on Student Radicals, and Reagan's Rise to Power by Seth Rosenfeld
- The Burglary by Betty Medsger
- Berkley At War: The 1960's by W.J. Rorabaugh
- Underground: My Life with the SDS and the Weather Underground by Mark Rudd
- Campus Wars: The Peace Movement at American Universities in the Vietnam Era by Kenneth Heineman
- An American Ordeal: The Antiwar Movement of the Vietnam Era by Charles Benedetti
- The Vietnam War on Campus: Other Voices, More Distant Drums by Marc Jason Gilbert
- The Movement and the '60's by Terry Anderson
- Vietnam and the American Political Tradition: The Politics of Dissent by Randall Woods
- When the Old Left was Young: Student Radicals and America's First Mass Student Movement by Robert Cohen
- COINTELPRO: The FBI's Secret War on Political Freedom, by Nelson Blackstock
- The COINTELPRO Papers by Ward Churchill and Jim Vander Wall

Among the films that have generated interest in this rich subject are:

- The Weather Underground (Academy Award nomination)
- The FBI's War on Black America by
- Free Angela and All Political Prisoners
- The 60's PBS series
- The Fog of War (Academy Award winner)
- Hearts and Minds (Academy Award winner)
- Children of the Revolution

These are only a sample of the non-fiction creative works that have addressed the subject of the intersection between student protest and the involvement of federal and local intelligence and law enforcement agencies.

But most importantly, while there is obviously non-fiction literature and documentary film treatments on issues of government surveillance of the New Left, these projects all exist at a national, broad-brush level, dealing with the marquis



names in the history of dissent of the 1960's and 70's (e.g. Bernadine Dohrn, William Ayers, Abbie Hoffman, Jerry Rubin, and Tom Hayden). There is a substantial hole in this analysis of FBI and allied agency surveillance of students outside of these "headline" players due to a lack of primary source documents. The challenge of truly exploring the issue of federal surveillance and its impact on local communities has gone virtually untouched. Aside from the book, The Subversives, which focused on the University of California at Berkley, there are no other "local histories" that document the distinct experience of student activists and their interactions with the local and federal law enforcement as they challenged the status quo and protested against America's involvement in the Vietnam War, and specifically not those from the Midwest.

This local focus is not simply antiquarianism. It speaks volumes about the fabric of American society that existed from region to region during the era -- where one geographic locale fed a larger, overarching statement about the way that all Americans (not just America writ large) viewed and came to wrestle with the activities of dissent and the challenges to the status quo.

The story of St. Louis and Washington University exemplifies this regional texture that was specific to the Midwest but also one that played a role on the national stage. This particular story is at once *sui generis* and yet broad in its scope and import. While the students there participated in a national movement, their activities and the response to those activities by local and federal law enforcement and allied agencies was specific to the culture and mores of Missouri. Indeed, from the small number of documents that we have been able to review, the experience -- and the results -- of this interaction between Midwestern students and federal agencies was both trenchant and wide-spread, but very particular to this place and time. There are cultural reasons that the East Coast, the West Coast, the North, the South, and the Midwest maintain characteristic approaches to problems that mark the as clearly identifiable. But because of the more national approach (one that has necessarily combined events on the East and West Coasts, i.e. the locus of much of the dissent) nearly all of the treatments of this issue of federal surveillance and student dissent have overlooked this critical texture about American life and culture. Moreover, in the course of neglecting this broad swath of the mid-section of the nation, the gravitas that this particular story developed into on the national scene has similarly been sorely underestimated. To remedy this lack of awareness and historical weight about a critical moment in the history of America's Midwest during the anti-war period, this project will engage in significant research and analysis, and it begins with the release of the documents that will provide a clearer picture of this story given its historical, journalistic, political, and social importance.

In sum, the primary reason such necessary work has not yet been accomplished is the same core obstacle that currently confronts my project of which the here-submitted requests are part. Very little documentary or other information on these matters is publicly available. Simply put, in order to adequately understand and convey the roles of the U.S. intelligence and law enforcement agencies (prominently

including the FBI) in the student anti-war movement in Missouri, access to the records of these agencies (prominently including the FBI) is a necessity. Yet, the overwhelming preponderance of these records (prominently including those of the FBI) has not been made available to researchers or the general public. These records remain withheld from researchers and the general public alike within the filing systems of the FBI and other agencies.

The great majority of the records I require to conduct my study and to create the resultant documentary are in the possession of the FBI and are not in the public domain. It is not methodologically possible to adequately perform the research and analysis necessary for this project without the FOIA-obtained release of documents from the FBI.<sup>11</sup> The here-submitted requests seek the disclosure of these required records.

The significant scholarly and popular interest in the release of the requested records is heightened further by the direct relevance of this project to other related areas of significant historical, journalistic, political, and broader public interest. As part of my project, the here-requested disclosures will shed considerable additional light on subjects related to FBI operations pertaining to: COINTELPRO; campaigns for and against civil rights and racial justice for a variety of minority groups in twentieth century America; campaigns for and against civil liberties more broadly in twentieth century America; transparency and secrecy; state surveillance; and the policing of dissent. And of course, all of these issues have been explored in a more

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<sup>11</sup> Scholarly analysis of FOIA-obtained FBI records is a well-accepted research methodology. Notably, some of the most successful scholarship exploring similar themes in earlier periodizations has been largely dependent upon the successful release of FBI documents through FOIA requests. For an example of historical analysis of FOIA-derived FBI records pertaining to FBI investigations and persecution of left-leaning American scientists in the 1950s, see Jessica Wang's *American Science in an Age of Anxiety: Scientists, Anticommunism, and the Cold War* (University of North Carolina Press, 1999). For an example of historical analysis of FOIA-obtained FBI records seeking to complicate Wang's understandings of FBI operations concerning left-leaning scientists in the 1950s, see Shawn Mullet's *Little Man: Four Junior Physicists and the Red Scare Experience* (Ph.D. dissertation, Harvard University, 2008). For an example of historical analysis of FOIA-obtained FBI records pertaining to the FBI's harassment of American leftists and related failure to detect actual Soviet espionage activities, see Athan Theoharis' *Chasing Spies: How the FBI Failed in Counter-Intelligence But Promoted the Politics of McCarthyism in the Cold War Years* (Ivan R. Dee Publishers, 2002). For an example of historical analysis of FOIA-obtained FBI documents pertaining to the FBI's efforts to marginalize the civil rights movement, see Kenneth O'Reilly's *Racial Matters: The FBI's Secret File on Black America, 1960-1972* (Free Press, 1991). For an example of historical analysis of FOIA-obtained FBI documents seeking to shed new light on the life and legacy of Malcolm X, including information pertaining to FBI foreknowledge of the plot to assassinate Malcolm X, see Manning Marable's *Malcolm X: A Life of Reinvention* (Viking, 2011). For an example of historical analysis of FOIA-obtained FBI documents pertaining to the FBI's campaign against Albert Einstein, see Fred Jerome's *The Einstein File: J. Edgar Hoover's Secret War Against the World's Most Famous Scientist* (New York: St. Martin's Press, 2002).

national light, but never one that examined the critical role that the Midwest played on these important subjects.

From the 1950s into the 1970s, the FBI conducted its infamous COINTELPRO<sup>12</sup> program, in which the FBI unlawfully surveilled, infiltrated, and (at times violently) disrupted civil rights, anti-war, and other American political dissident movements. Including targets such as Martin Luther King, Jr., the National Association for the Advancement of Colored People (NAACP), Muhammad Ali, Students for a Democratic Society (SDS), and the National Lawyers Guild, COINTELPRO remains perhaps the most notorious FBI program in the history of the Bureau. COINTELPRO was scathingly investigated by the U.S. Congress during the Church Committee hearings of the 1970s. Numerous academic and popular books, as well as documentary films, have been written or produced on the subject.<sup>13</sup> A quick search for “COINTELPRO” on Google.com yields “about 463,000” results. An Amazon.com “book search” for “COINTELPRO” yields 266 results. And a search for “COINTELPRO” on the scholarly article search engine JSTOR yields 694 results.<sup>14</sup>

Because the FBI officially ended its COINTELPRO program in the early 1970s, scholarly studies and popular news coverage of COINTELPRO typically end their substantive treatments of the matter around the same time.<sup>15</sup> However, though the name COINTELPRO was officially retired in the early 1970s, the FBI continued aggressive investigations of the same or similar sorts of political dissident groups using the same or similar sorts of Bureau tactics for the same or similar sorts of

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<sup>12</sup> COINTELPRO is an acronym for COUNTER INtelligence PROgram.

<sup>13</sup> For a few examples among many, see Tim Weiner, *Enemies: A History of the FBI* (Random House, 2012); Seth Rosenfeld, *Subversives: The FBI's War on Student Radicals, and Reagan's Rise to Power* (Farrar, Straus and Giroux, 2012); Kenneth O'Reilly, *Racial Matters: The FBI's Secret File on Black America, 1960-1972* (Free Press, 1991); Nelson Blackstock, *COINTELPRO: The FBI's Secret War on Political Freedom* (Pathfinder Press, 1988); Brian Glick, *War at Home: Covert Action Against U.S. Activists and What We Can Do About It* (South End Press, 1999); Ivan Greenberg, *Surveillance in America: Critical Analysis of the FBI, 1920 to the Present* (Lexington Books, 2012); Ivan Greenberg, *The Dangers of Dissent: The FBI and Civil Liberties since 1965* (Lexington Books, 2012); Freedom Archives, “COINTELPRO 101,” (DVD release 2011).

<sup>14</sup> Searches conducted on 7 October 2013.

<sup>15</sup> For example, one of the leading scholarly (or otherwise) treatments of the subject, Kenneth O'Reilly's “*Racial Matters: The FBI's Secret File on Black America*” (The Free Press, 1989), explicitly ends its subtitle with the periodization “1960-1972.” O'Reilly's work is a rich and insightful treatment of the FBI's security-oriented COINTELRO campaigns against racial justice activism in the United States. However, though O'Reilly's coverage includes the formal end of COINTELRO, the FBI's security-oriented campaigns against social and racial justice efforts, most prominently against the anti-apartheid movement, continued nonetheless using different nomenclature. My project will shed significant and necessary light on the continuance of these efforts and the ripple effect they engendered.

reasons. This included the now increasingly apparent fact<sup>16</sup> that despite the official cancellation of COINTELPRO in the early 1970s, throughout the 1970s, 80s, and 90s, the Bureau continued to pursue aggressive national security-oriented investigations of individuals, organizations, and elected public officials who sought to achieve racial justice at home and abroad.

In sum, though there has been some (though still far from adequate) amount of historical and journalistic attention to FBI security-oriented campaigns against domestic leftwing political dissent during the Red Scare and COINTELPRO, scholars and journalists have primarily focused on the major geographical locations from which student movement emanated. By contrast, my project will shed significant light on these serious gap in our understanding of the role of the FBI and the U.S. government more broadly in the policing, surveilling, and at times suppression of anti-war, social justice activism, and leftwing political dissent more broadly, in a place where no one thought would be such a crucible of the struggle between the students and government. Indeed, one could argue that the result of the government's involvement in St. Louis in the wake of the Kent State murders on May 4, 1970 was far more influential in St. Louis than in any other part of the country – the number of students brought up on charges was greater, the sentences were harsher (both on the local and federal level) and the ripple of effects great (the flight of Howard Mechanic who became the second longest fugitive in U.S. history).

Overall, the questions that still need to be answered as we move through the canon of historical record on this era is: what were the continuities and discontinuities between the FBI's COINTELPRO and surveillance campaigns against anti-war civil rights activists in the Midwest? Likewise, what were the assumptions and expressed concerns that drove federal law enforcement and surveillance agencies that ultimately led them to COINTELPRO activities and heightened senses of domestic unrest? And most importantly, what can all this inquiry teach us about the relationships between transparency, dissent, and the national security state more broadly? As we examine the legacies of COINTELPRO, including the FBI attitudes and practices actualized therein and potentially thereafter, for racial and social justice, political dissent, democracy, and national security in the United States?

Many of the above issues have endured long past the COINTELPRO and the anti-war period of dissent. As detailed and discussed above, the issues raised by this project and to be illuminated by the requested disclosures include the roles of U.S. intelligence agencies, U.S. law enforcement agencies, the broader U.S. government, and the FBI specifically in controversies involving surveillance and the policing of political dissent; contested understandings of national security; social and racial justice; and the effects of transparency and secrecy on American democracy. As they

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<sup>16</sup> Public and scholarly knowledge of this fact is in part a consequence of this project. For examples of such, see the small sampling below of the voluminous press coverage my project on this subject has already received, as well as the sampling below of my scholarly and popular lectures on this subject.

were during the COINTELPRO-era and the civil rights struggle-era, these issues have again become raging national and international controversies in the current post-9-11 and post-Snowden eras. For numerous and undeniable historical, journalistic, political, and social reasons, the requested disclosures and my analysis and dissemination thereof are of profound immediate and future significance.

In addition to my demonstrated ability to analyze and interpret the requested release in order to provide significant expansion of public knowledge of government operations as a professor of history, I also have the ability and firm intention to disseminate this significant expansion of public knowledge of government operations both within academia and more broadly to the general public.

As both an academician and as a filmmaker this work will culminate in feature-length documentary film that will, as all of my projects, play part of a robust distribution and outreach schedule including, but not limited to: national and international film festivals, limited theatrical release, screenings on college campuses and in public forums (i.e. non-theatrical, educational release), broadcast on stations such as PBS, HBO, or CNN, and ancillary digital media (e.g. pay-per-view, downloads, and digital steaming platforms). This distribution will significantly expand the public knowledge of government operations and how they are at once national in their scope as well as specifically local in their import and ramifications.

To provide a context in which we can understand the public attention and impact that this documentary-driven work will ultimately merit, I submit examples from nearly 30 years of my filmmaking career that serve as models for the distribution of this new work. Listed here are several of my key projects and their distribution modes that demonstrate the breadth of outlets that will come to carry the results of this documentary project. As I am a well-known independent filmmaker there is always a competition amongst a broad range of distributors across many genres for my work, and this new project, given both its historical as well as contemporary significance, will inevitably prove to be no different.

### **PARABLES OF WAR**

Website: <http://documentarycenter.columbian.gwu.edu/parables-war-0>

Completed: 2014, in distribution for 2015

Premiere Theatrical release: June 5, 2015 NYC (forthcoming)

### **4<sup>TH</sup> & GOAL**

Website: [www.4th-and-goal-movie.com](http://www.4th-and-goal-movie.com).

Distribution:

*Broadcast* - ESPN Europe

*Digital and VOD Distribution* - Gravitas Ventures and Warner Brothers

*DVD* - First Run Features

Awards:

Winner, Italian National Olympic Committee Cup, 29<sup>th</sup> Annual FICTS Festival of Sports Movies and Television for Best Film, Milan, Italy, 2012

Silver Telly Award (First Place) in Best in Sports Programming

**THE MATADOR**

Major Screenings:

SXSW Film Festival (in competition), International Documentary Association  
DocuWeek, Marche du Film, Cannes Film Festival, Calgary International Film Festival,  
Seville International Film Festival

Distribution:

*Theatrical:* City Lights Pictures – New York, Los Angeles, Miami, Phoenix, Tucson,  
Chicago

*Broadcast-* Sundance Channel, May 2010

*Blu Ray and DVD* -Warner Brothers Entertainment

*International:* Visit Films International

Awards:

New York Times Critics' Pick, 2010

Emmy nomination, News and Documentary Emmy Competition - Best Original Score,  
2010

Winner, Cine Golden Eagle, Independent Documentary, 2011

Special Jury Award, Best Independent Documentary for 2011, Cine Awards, 2012

**A SHORT HISTORY OF SWEET POTATO PIE AND HOW IT BECAME A FLYING SAUCER**

Major Screenings:

True/False Documentary Festival, Big Sky Documentary Festival, Nashville Film  
Festival, Atlanta Film Festival, Santa Fe Film Festival, Harlem Film Festival, Tucson  
Slow Food Film Festival, Fargo Film Festival

Distribution:

*DVD:* Spiritual Cinema Circle

*Digital:* Snag Films

Awards:

International Documentary Association, Nominee – IDA Distinguished Achievement in a  
Documentary Short, 2006

DC Shorts Film Festival, Audience Award, 2006

Fargo Film Festival: Best Documentary, 2006

**THE OPEN ROAD: AMERICA LOOKS AT AGING**

Major Screenings:

Focus of National Town Meetings in 26 cities nation-wide combining aging experts, civic  
engagement organizations, local and federal government agencies, business  
representatives and concerned citizens groups

Featured presentation of the Senate Select Commission on Aging, US Congress, 2005

White House Conference on Aging, 2006

Distribution:

*Broadcast:* APT to public broadcasting via Oregon Public Broadcasting, July, 2005

*DVD:* First Run Features

*Digital:* Snag Films, Hulu, Epix,

**THE BALLAD OF BERING STRAIT****Major Screenings:**

Nashville Film Festival, Atlanta Film Festival, International Documentary Association DocuWeek, Jackson Hole, Washington International Film Festival (FilmFest DC), Margaret Meade Film Festival, Woodstock Film Festival, St. Louis Film Festival, Calgary Film Festival, Monaco Digital Conference, Dubrovnik International Film Festival, Reel Music Festival

**Distribution:**

*Theatrical:* Represented for theatrical distribution by Emerging Pictures in association with Microsoft and Digital Cinema Solutions

*Broadcast:* Viacom VH1/CMT, Rainbow Media

*DVD/VHS:* Koch-Lorber Entertainment

*Digital:* Snag Films, Hulu, iTunes, Amazon, Netflix (digital and DVD), Epix

*International:* 3-DD Entertainment, London, England

**Awards:**

Emmy Award Nominee, News and Documentary Emmy Awards, Best Director, 2004  
Winner, Audience Award, Washington International Film Festival, 2002

Winner, Audience Prize, Marco Island Film Festival for Best Documentary, 2002

Winner, Best Long-Form Editing, The Peer Awards, 2002

Winner, Chris Award, Columbus International Film Festival, 2003

**A PARALYZING FEAR: THE STORY OF POLIO IN AMERICA****Distribution:**

*Theatrical:* Film Forum, NYC 1998.

*Theatrical and Non-Theatrical:* 60-city tour in collaboration with the March of Dimes

*Broadcast:* PBS Special National Broadcast

*VHS:* PBS Video

*DVD:* First Run Features

*International:* Charles Scheurhoff and Associates

*Digital:* – iTunes, Netflix (digital and DVD), Snag Films, Epix, Hulu, Amazon  
InstantView

**Awards**

Emmy Award, News and Documentary Emmy Awards, Best Research in a News or Documentary Program, 1999

Emmy Nomination, News and Documentary Awards, Best Editing, 1999

Emmy Nomination, News and Documentary Awards, for Best Original Score, 1999

Erik Barnouw Prize for Best Historical Film of the Year, 1999

International Film and Video Festival, Certificate of Recognition for Creative Excellence, 1999

Gold Award, Cindy Award for Northeastern United States, 1999

Axiem Award for Outstanding Achievement in Television Documentary, 1999

Golden Hugo for Outstanding Achievement in History and Biography, 1999

Golden Apple Award for Outstanding Achievement in Educational Filmmaking, 1998

ABC News VideoSource Award, nominee, International Documentary Association – 1998

Benjamin Franklin Award for Best Outreach for Documentary Film, 2000  
 Bronze Plaque, Columbus International Film and Video Festival, 2000  
 Gold Medal, International Cindy Competition, for Best International Broadcast, 2000

**THE BATTLE OF THE ALAMO**

This was the first-ever film commissioned by Discovery Communications

**ADDITIONAL FILM AND VIDEO PROJECTS**

**THE LIST** – Story Consultant for feature-length documentary exploring the fate of Iraqi employees of the U.S. government now targeted for assassination in the wake of U.S. troop withdrawal. World Premiere: Tribeca Film Festival, In Competition; Hot Docs Documentary Festival, Human Rights Watch Film Festival, among others. 2012

**LET THE FIRE BURN** - Senior Producer during the pre-editorial phase - historical documentary exploring the bombing of the MOVE compound in Philadelphia, PA in 1985. 2010. PBS National Broadcast via Independent Lens

**MOSCOW EXHIBITION 50<sup>th</sup> ANNIVERSARY OF THE KITCHEN DEBATE** – Producer/Director for commemoration video of the 1959 Moscow Exhibition which resulted in the famed “Kitchen Debate” between U.S. Vice President Richard Nixon and Soviet Premier Nikita Khrushchev shown at the opening of a day-long conference hosted by the Institute for Public Diplomacy and the Kennan Institute. 2009

**AVIAN FLU** and **THE 1918 INFLUENZA** - Producer/director for short videos for Department of Health and Human Services. Streamed through hhs.gov website. 2007

**MURDERBALL** – Production Consultant, Academy Award nominee 2006, Winner, Audience Award, Sundance Film Festival. HBO. 2005

**LEAVING HOME** – Producer/Director/Writer – segment for Life 360, PBS. 2002

**ISLAND OUT OF TIME** – Production Consultant, Winner, Pare Lorentz Award, IDA. 2001

**CONQUERING FEAR: EPIDEMIC DISEASE TODAY** – Producer/Writer, 30 minute public affairs programming on issues of post-polio syndrome, global eradication of polio, and the future of childhood immunization. PBS national broadcast. 1998

**... AND THERE WE WANDERED SOMETIMES WEST** - Co-Producer for 12 minute installation film on the meaning in American mind of “going west”, Scott Bluff National Monument, National Park Service. 1997

**ANCHOR OF THE SOUL: BLACK HISTORY IN MAINE** – Production Consultant. PBS local broadcasts 1994

**SMITHSONIAN DOCUMENTARIES**– Producer - four short films on permanent exhibition at the Smithsonian Institution, National Postal Museum. 1993

**GOT MY MOJO WORKIN’: A HISTORY OF THE BLUES** – Director, Washington Film Research. PBS local broadcast. 1992

**THE SLOAN VIDEOHISTORY PROJECT** – Producer/Director, National Air and Space Museum, Smithsonian Institution. 1988-1990

**THE LAWMAKERS** – Segment Producer, WETA-TV. 1985-1986

**JACK ANDERSON CONFIDENTIAL** – Co-Creator and Show Producer syndicated through ABC News. 1984



Further, listed here are reviews and press announcements in major publications (New York Times, Variety, The Washington Post, The Hollywood Reporter, Indiewire, etc.) that are just a sample the extensive national coverage that my projects receive when they are presented to the public. Please note that this does not begin to approximate the local coverage in specific markets in the print press, on radio, on television, and in digital media across the U.S. and indeed around the world upon the appearance of my work.

<http://variety.com/2008/film/reviews/the-matador-1200471113/>  
<http://variety.com/2008/film/news/2008-sxsw-lineup-1117980221/>  
<http://www.hollywoodreporter.com/news/city-lights-ring-matador-109756>  
[http://www.indiewire.com/article/sxsw\\_08\\_interview\\_the\\_matador\\_directors\\_stephen\\_higgins\\_nina\\_gilden\\_seavey](http://www.indiewire.com/article/sxsw_08_interview_the_matador_directors_stephen_higgins_nina_gilden_seavey)  
[http://blogs.indiewire.com/matador\\_signs\\_with\\_city\\_lights](http://blogs.indiewire.com/matador_signs_with_city_lights)

<http://www.hollywoodreporter.com/review/matador-125741>  
<http://variety.com/2008/film/news/2008-sxsw-lineup-1117980221/>  
<http://variety.com/2004/scene/news/pbs-pockets-emmy-noms-1117907502/>  
<http://variety.com/2003/digital/news/koch-sweet-on-dolce-1117886767/>  
[http://www.indiewire.com/article/cant\\_wait\\_for\\_the\\_glee\\_film\\_indiewire\\_hulu\\_docs\\_ins\\_piring\\_performances\\_-\\_do](http://www.indiewire.com/article/cant_wait_for_the_glee_film_indiewire_hulu_docs_ins_piring_performances_-_do)  
<http://www.indiewire.com/article/already-missing-sxsw-indiewire-hulu-docs-explores-rockstar-dreams>  
<http://www.indiewire.com/article/take-an-inside-look-at-mother-russia-with-indiewire-hulu-docs>  
[http://www.indiewire.com/article/indiewire\\_hulu\\_docs\\_music\\_portraits](http://www.indiewire.com/article/indiewire_hulu_docs_music_portraits)  
[http://www.indiewire.com/article/koch\\_lorber\\_building\\_dvd\\_slate\\_intimacy\\_la\\_dolce\\_vita\\_bollywood\\_films\\_on\\_tape](http://www.indiewire.com/article/koch_lorber_building_dvd_slate_intimacy_la_dolce_vita_bollywood_films_on_tape)  
[http://www.indiewire.com/article/festival\\_whither\\_country\\_goodbye\\_twitty\\_city\\_hello\\_nyff](http://www.indiewire.com/article/festival_whither_country_goodbye_twitty_city_hello_nyff)  
[http://www.indiewire.com/article/box-office\\_report\\_amandla\\_and\\_open\\_hearts\\_among\\_new\\_indie\\_and\\_specialty\\_releases](http://www.indiewire.com/article/box-office_report_amandla_and_open_hearts_among_new_indie_and_specialty_releases)  
[http://www.indiewire.com/article/festivals\\_on\\_the\\_industry\\_radar\\_woodstock\\_rocks\\_music\\_and\\_celebrities\\_in\\_ye](http://www.indiewire.com/article/festivals_on_the_industry_radar_woodstock_rocks_music_and_celebrities_in_ye)  
[http://www.indiewire.com/article/daily\\_news\\_nyff\\_sets\\_eclectic\\_line-up\\_good\\_girl\\_still\\_good\\_at\\_the\\_box\\_office](http://www.indiewire.com/article/daily_news_nyff_sets_eclectic_line-up_good_girl_still_good_at_the_box_office)  
<http://variety.com/2006/film/awards/2006-ida-award-winners-finalists-1117955202/>  
<http://variety.com/2006/film/news/int-l-docu-org-taps-pix-shorts-1117953098/>  
[http://blogs.indiewire.com/rania/activism\\_food\\_related\\_docs\\_to\\_inspire\\_us\\_to\\_take\\_action](http://blogs.indiewire.com/rania/activism_food_related_docs_to_inspire_us_to_take_action)  
<http://variety.com/1998/film/reviews/a-paralyzing-fear-the-story-of-polio-in-america-1200453217/>  
<http://www.lexisnexis.com.proxygw.wrlc.org/hottopics/lnacademic/>  
[http://www.indiewire.com/article/a\\_conversation\\_with\\_nina\\_gilden\\_seavey\\_director\\_of\\_a\\_paralyzing\\_fear](http://www.indiewire.com/article/a_conversation_with_nina_gilden_seavey_director_of_a_paralyzing_fear)  
<http://www.lexisnexis.com.proxygw.wrlc.org/hottopics/lnacademic/>

<http://www.lexisnexis.com.proxygw.wrlc.org/hottopics/lnacademic/>  
<http://www.nytimes.com/books/99/02/28/bib/990228.rv142657.html>  
<http://www.nytimes.com/2003/02/19/movies/19BERI.html>  
<http://www.nytimes.com/2003/01/06/movies/russia-without-twang-but-with-country-their-hearts-despite-hard-breaks-bering.html>  
<http://www.nytimes.com/1998/03/04/movies/film-review-once-a-fear-beyond-fear-itself.html>  
[http://www.nytimes.com/2008/10/31/movies/31mata.html?\\_r=0](http://www.nytimes.com/2008/10/31/movies/31mata.html?_r=0)  
<http://pqasb.pqarchiver.com/washingtonpost/doc/409326168.html?FMT=ABS&FMTS=ABS:FT&date=May+5%2C+2002&author=Segal%2C+David&pub=The+Washington+Post&edition=&startpage=&desc=Bering+Strait%27s+Bluegrass%3A+You+Ain%27t+Seen+Nothing+Nyet>  
<http://pqasb.pqarchiver.com/washingtonpost/doc/409427094.html?FMT=ABS&FMTS=ABS:FT&date=Feb+28%2C+2003&author=Kempley%2C+Rita&pub=The+Washington+Post&edition=&startpage=&desc=%27Bering+Strait%27%3A+Lots+to+Balalaika>

The reviews from these major publications of my previous films will be as robust for this new work as they have proven to be in the past. When a filmmaker of my stature within the documentary world completes a major piece of work, such as this new project is, it is a closely watched event and is thoroughly reviewed and promoted by the film programmers and distributors who play part in the release of the work.

As far as numerical calculations that quantify the penetration of this work into the public sphere, we offer the following projections based on past performance of my previous work as articulated above:

Film Festivals (National and International) – 40,000  
 Theatrical Release – 10 cities (including NY, LA, DC) – 25,000  
 Broadcast Release – National – 750,000 on first airing – 3 subsequent airings  
 for a total reach of 3,000,000  
 Pay-Per-View – 25,000  
 DVD Release – 25,000 units  
 Streaming – 10,000 per quarter for 10 years – 400,000  
 Streaming – 5,000 per quarter for subsequent 10 years – 200,000

TOTAL Audience Projections: 3,715,000

These numbers are only the beginning of the exposure this project will receive. Frequently, my scholarly projects take on multiple media forms which befits the position that I hold as both a professor of history and a professor of media, active in the pursuit of both fields. Therefore, in addition to the extensive penetration of this work in film and video form, as an active “public scholar” my further writings on this topic as we move through the process of the film’s distribution will heighten the impact of this work through many publications, both in the academic arena as well

as amongst general readers. My previous publications that demonstrate these activities and their extension of film projects include the following:

- “Mentoring the Next Generation of Filmmakers,” The Documentary Film Maker’s Handbook, Genevieve Jolliffe and Andrew Zinnes, Eds. Continuum Books, 2006
- "Short Shrift for Shorts," New York Times, Arts and Leisure, p.2, December 11, 2005.
- “Momma Doc: The Filmmaker as Homemaker,” International Documentary Magazine, Feb/March, 2005.
- A Paralyzing Fear: The Triumph Over Polio in America, Nina Gilden Seavey, Jane Smith, and Paul Wagner, TV Books, 1998, Companion book to the film, “A Paralyzing Fear.”
- “Historians and Film: Taking History Off the Page and Putting It On the Screen,” in Public History, Krieger Press, Spring 1999, 2<sup>nd</sup> Edition, 2004.
- To Render A Life: ‘Let Us Now Praise Famous Men’ and the Documentary Vision - Teachers’ Guide, 1994.
- “Encouraging Interaction Between Broadcast Media and the Historical Profession,” Broadcasting Magazine, 1992.
- “Frozen Out By Race,” The Washington Post, October 6, 1991.
- Space Commerce, Researcher, Harvard University Press, 1989.
- 25 Years at COMSAT: An Oral History of the Communications Satellite Corporation, 1987.
- Live Via Satellite: The Story of COMSAT Laboratories, Researcher, Acropolis Books, 1987.
- Women in the Military: An Unfinished Revolution, Researcher, Presidio Press, 1982.

Indeed, in the case of *A Paralyzing Fear: The Story of Polio in America* that projected yielded both a feature length documentary, a companion book which merited review in the New York Times and an additional half hour public affairs program aired nationally at the same time as the film in a special PBS national broadcast presentation.

*As should be unequivocally clear from the above, I have the intention and ability to disseminate to the public significant expansions of understanding of significant government operations based upon my distribution of the requested disclosures and my analysis thereof.*

## **ii) Additional Note on Scholarly Historical Research and the Public Interest**

Although I have above provided extensive information supporting objectively reasonable arguments for the public interest of my request beyond that of scholarly interest alone, case law on this matter is emphatically clear that scholarly historical

inquiry alone satisfies the FOIPA public interest requirement. *National Treasury Employees Union v. Griffin*, 258 U.S. App. D.C. 302 (D.C. Cir. 1987).

The courts have been equally clear that, in order to satisfy this public interest requirement, “the public” to be benefitted by release of records to a scholar need not be the entire public. Rather, it need only to be larger than the requester him or herself.

As the court ruled in *Ettlinger v. FBI*,

*requested information need not benefit the entire public. Benefit to a population group of some size, which is distinct from the requester alone, is sufficient. Ettlinger v. FBI*, 596 F. Supp. 867, 876 (D. Mass. 1984).

I have herein substantially demonstrated that the population groups (scholarly and the general public) benefited by my analysis of the requested releases are far larger than me alone.

### **iii) Additional Note on Journalistic Research and the Public Interest**

Although I have herein provided extensive information supporting objectively reasonable arguments for the public interest of my request beyond that of journalistic inquiry alone, case law on this matter is emphatically clear that journalistic inquiry alone satisfies the FOIPA public interest requirement. *National Treasury Employees Union v. Griffin*, 811 F.2d, 644, 649 (D.C. Cir. 1987).

Further, as articulated in the amendments to FOIA established by the OPEN Government Act of 2007, I solidly meet the applicable definition of “a representative of the news media[.]” The OPEN Government Act of 2007 established that for FOIA purposes,

‘a representative of the news media’ means any person or entity that gathers information of potential interest to the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience. 552(a)(4)(A)(ii)

Based on my completed and firmly intended research, analysis, and information dissemination activities detailed at length herein, I clearly satisfy this description.

I firmly intend to analyze the records obtained from the here-submitted FOIPA requests in order to produce a documentary film and to distribute this work to audiences as described above.

Therefore, in that I am “person or entity that gathers information of potential interest to the public, uses its editorial skills to turn the raw materials into a distinct

work, and distributes that work to an audience,” I solidly meet the applicable definition of “a representative of the news media.”<sup>17</sup>

**iv) Letters of Support**

While unnecessary given all of the above, in order to make the present situation as unambiguous as possible, and as discussed in *Ettlinger v. FBI*, I am here submitting signed letters of support from Henry Berger, Professor Emeritus of History at Washington University in St. Louis and Sky Sitney, Film Programmer and Visiting Professor at Georgetown University, who are familiar with my work in general and this project in particular. These letters address the journalistic and political significance of my work on this project as it has developed over the past decades. These letters testify to the significant journalistic and broader public importance of my research and analysis.

D. The disclosure of the requested records is likely to contribute “significantly” to public understanding of government operations and activities because disclosure would enhance to a significant extent the public’s understanding of the subject in question as compared to the level of public understanding existing prior to the disclosure.

i) See above Section I.

ii) As explained above, I am currently engaged in a research project exploring the roles of the U.S. government, intelligence agencies, and law enforcement agencies in the struggle for anti-war dissent in the pursuit of social justice and civil rights. My project includes exploration of the nexus of governmental transparency and the political functioning of U.S. national security in relation to the above. The role of the FBI in these matters is a particular area of emphasis of my project. The above are precisely the issues present in the here-submitted requests.

There is a great need for scholarly and popular work along these lines. Though there is a tremendous public hunger for such information<sup>18</sup>, very little published information on these matters is currently available. Simply put, in order to

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<sup>17</sup> Though the courts have subsequently narrowed the applicability of the *National Security Archive v. Department of Defense* ruling in terms of requirements to qualify as a representative of the news media (most notably in *Judicial Watch, Inc. v. United States Department Of Justice*), I still solidly satisfy even this narrowed understanding of “representative of the news media.” In contrast to *Judicial Watch*, I have clearly demonstrated a firm intention to disseminate to the public my analysis of requested information. In contrast to *Judicial Watch*, which the court found “merely make[s] available [] the requested information”, I analyze the requested information, produce written work based upon that analysis, and disseminate that written work to an audience that eagerly consumes and reproduces my written work. See *Judicial Watch, Inc. v. United States Department of Justice*, 185 F.Supp. 2d 54, 59 (D.D.C. 2002).

<sup>18</sup> See above.

adequately understand and convey the roles of the U.S. intelligence agencies and law enforcement agencies (prominently including the FBI) in the struggle for anti-war dissent and incumbent civil rights considerations, access to the records of these agencies (prominently including the FBI) is a necessity. Yet, the overwhelming preponderance of these records (prominently including those of the FBI) has not been made available to researchers or the general public. These records remain withheld from researchers and the general public alike within the filing systems of the FBI and other agencies. A key portion of the records I need to conduct my study are in the possession of the FBI and not in the public domain. It is not methodologically possible to adequately perform the research and analysis necessary for this project without the FOIA-obtained release of documents from the FBI. The here-submitted requests seek the disclosure of some of these records.

## **II. DISCLOSURE OF THE INFORMATION IS NOT PRIMARILY IN MY COMMERCIAL INTEREST**

A. Any commercial interest that I have which would be furthered by the requested disclosure is *de minimis*.

I am requesting the release of records to analyze for use in the production of a documentary film and ancillary written scholarly and popular articles, and scholarly and popular lectures, as well as for continued collaboration with journalists and the continued provision of released records and my analysis thereof to journalists. Though scholars and independent documentary filmmakers do occasionally get paid for some of the above, this is not generally the case, and when it does occur, the sums are modest. Indeed, the hours spent in the creation of an independent film far outweigh the compensation received during the course of production or through residual sales. Most crucially, payment is not the primary purpose for which such work is conducted. Filmmakers such as myself make create film work because of its primary social importance, not using economics as the measure of success. I, and others like me, play part of a community of storytellers who are driven by issues that are compelling to the historical record and the public at large, and this request as well as its resultant documentary work, falls squarely into this category.

In spite of their prominence on the media scene, documentary films are essentially non-commercial enterprises. It will take several years – potentially up to five years - for me to analyze the documents and create the film version of this story. The licenses that we will garner from the various forms of distribution will barely scratch the surface of what it will take to both conduct this research and engage the costs of production. It is my position as a professor in a university that allows me to undertake these kinds of specialized, highly labor-intensive long-term projects that have brought me great recognition if not commensurate financial remuneration. This disparity between the requirements of time and production costs required by these projects are a common feature of the life of an independent documentary filmmaker. But one that we take on willingly given the import of this work. And

therefore, this endeavor, like the scholarly one, exist in the same category of non-commercial work.

B. My primary interest in the requested information is not commercial, and the public interest is greater in magnitude than my commercial interest.

i) The judicial case histories concerning similar scholarly and public education requests for fee waivers affirm that release of the requested records in this case is solidly in the public interest and pursuant of primarily non-commercial ends.

In *Campbell v. U.S. Dept. of Justice*, a case arising from a scholar's efforts to secure release of files pertaining to FBI investigations of author James Baldwin, the court held, "The fact that a bona fide scholar profits from his scholarly endeavors is insufficient to render his actions 'primarily commercial' for purposes of calculating a fee waiver, as Congress did not intend for scholars (or journalists and public interest groups) to forego compensation when acting within the scope of their professional roles." *Campbell v. United States DOJ*, 164 F.3d 20 (1998).

Further, In *National Treasury Employees Union v. Griffin*, the court noted that the legislative history of the fee waiver provisions indicate "special solicitude" for journalists and scholars.

The legislative history of the fee waiver provision indicates special solicitude for journalists, along with scholars and public interest groups. While private interests clearly drive journalists (and journals) in their search for news, they advance those interests almost exclusively by dissemination of news, so that the public benefit from news distribution necessarily rises with any private benefit. Thus it is reasonable to presume that furnishing journalists with information will primarily benefit the general public[.] *National Treasury Employees Union v. Griffin*, 811 F.2d, 644, 649 (D.C. Cir. 1987).

Similarly, in *Ettlinger v. FBI*, a case involving a university professor seeking the release of FBI documents pertaining to investigations of members of a dissident political group, the court noted, "Though it is true that the plaintiff has some personal interest in the records sought, there is no indication whatsoever, nor do the defendants claim, that the plaintiff seeks those records solely with the intention of achieving commercial or private benefit." *Ettlinger v. FBI*, 596 F. Supp. 867, 880 (D. Mass. 1984).

*My request for the release of records is in essential ways identical to the situations in the case law above. I seek records on the operations and activities of government for the purpose of scholarly research and analysis, as well as the dissemination of that scholarly research and analysis. The disclosure of records will significantly benefit the public interest, and this benefit to the public is of vastly greater magnitude than my minimal commercial interest.*

iii) Additionally, the courts and the legislature have been deeply invested in ensuring that FOIPA duplication and search fees are not used by government agencies to deliberately or otherwise thwart legitimate scholarly and journalistic research:

This was made clear in *Better Government Ass'n v. Department of State*, in which the court ruled, "The legislative history of the fee waiver provision reveals that it was added to FOIA 'in an attempt to prevent government agencies from using high fees to discourage certain types of requesters, and requests,' in particular those from journalists, scholars and nonprofit public interest groups." *Better Government Ass'n v. Department of State*, 780 F.2d 86, 89 (D.C. Cir. 1986).

This point is further elaborated in *Ettlinger v. FBI*,

The legislative history of the FOIA clearly indicates that Congress intended that the public interest standard for fee waivers embodied in 5 U.S.C. § 552(a)(4)(A) be liberally construed. In 1974, Congress added the fee waiver provision as an amendment to the FOIA in an attempt to prevent government agencies from using high fees to discourage certain types of requesters and requests. The 1974 Senate Report and the sources relied on in it make it clear that the public interest/benefit test was consistently associated with requests from journalists, scholars and non-profit public interest groups. There was a clear message from Congress that "this public-interest standard should be liberally construed by the agencies." The 1974 Conference Report, in which differences between the House and Senate amendments were ironed out, retained the Senate-originated public-interest fee waiver standard and further stated "the conferees intend that fees should not be used for the purpose of discouraging requests for information or as obstacles to disclosure of requested information." Further evidence of congressional intent regarding the granting of fee waivers comes from a 1980 Senate Subcommittee report. The report stated that "excessive fee charges . . . and refusal to waive fees in the public interest remain . . . 'toll gates' on the public access road to information." The report noted that "most agencies have also been too restrictive with regard to granting fee waivers for the indigent, news media, scholars . . ." and recommended that the Department of Justice develop guidelines to deal with these fee waiver problems. The report concluded: The guidelines should recommend that each agency authorize as part of its FOIA regulations fee waivers for the indigent, the news media, researchers, scholars, and non-profit public interest groups. The guidelines should note that the presumption should be that requesters in these categories are entitled to fee waivers, especially if the requesters will publish the information or otherwise make it available to the general public.

The court, in its *Ettlinger v. FBI* decision, continued that on 18 December 1980, a



policy statement was sent to the heads of all federal departments and agencies accompanied by a cover memorandum from then United States Attorney General Civiletti which stated that he had "concluded that the Federal Government often fails to grant fee waivers under the Freedom of Information Act when requesters have demonstrated that sufficient public interest exists to support such waivers." The Attorney General went on to state: Examples of requesters who should ordinarily receive consideration of partial fee waivers, at minimum, would be representatives of the news media or public interest organizations, and historical researchers. *Such waivers should extend to both search and copying fees, and in appropriate cases, complete rather than partial waivers should be granted.*

### **III. REQUEST FOR INCLUSION IN NEWS MEDIA FEE CATEGORY**

Although I have herein provided extensive information supporting objectively reasonable arguments for a complete waiver of fees, should my request for a waiver of fees be denied, I request I be considered a representative of the news media and therefore included in the news media fee category as my films and video projects (as identified above) have been aired on locally and national on PBS, on The Discovery Channel, and on ABC News.

As articulated in the amendments to FOIA established by the OPEN Government Act of 2007, I solidly meet the applicable definition of "a representative of the news media[.]" The OPEN Government Act of 2007 established that for FOIA purposes,

'a representative of the news media' means any person or entity that gathers information of potential interest to the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience. 552(a)(4)(A)(ii)

Based on my completed and firmly intended research, analysis, and information dissemination activities detailed at length herein, I clearly satisfy this description.

a) I routinely obtain documents and analyze those documents, write articles advisories of my choosing based upon those documents and my analysis thereof, and then submit these articles for publication.

I firmly intend to analyze the records obtained from the here-submitted FOIPA requests in order to produce written works and distribute these works to audiences as described above.

Therefore, in that I am "person or entity that gathers information of potential interest to the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience," I solidly meet the applicable

definition of “a representative of the news media” and must therefore be included in the news media fee category if I am denied a waiver of fees.<sup>19</sup>

#### **IV. CONCLUSION**

As demonstrated in detail above, and as corroborated by my letters of support, the disclosure of the requested records will significantly contribute to expanded public understanding of government operations. I have the intent and demonstrated ability to disseminate this significant expansion of public understanding of government operations. The public interest in this significant expansion of public understanding of government operations far outweighs any commercial interest of my own in the requested release. Accordingly, my fee waiver request amply satisfies the rules of 28 C.F.R. 16.11(k). Legislative history and judicial authority emphatically support this determination. For these reasons, and based upon their extensive elaboration above, I request a full waiver of fees be granted, and that I be included in the news media fee category should my fee waiver request be denied. I will appeal any denial of my request for a waiver of fees/news media fee category classification to the Department of Justice Office of Information Policy, and to the courts if necessary.

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Please do not hesitate to contact me if you have any questions concerning the here-enclosed requests.

Thank you. I appreciate your time and attention to this matter.

Nina Gilden Seavey

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<sup>19</sup> Though the courts have subsequently narrowed the applicability of the *National Security Archive v. Department of Defense* ruling in terms of requirements to qualify as a representative of the news media (most notably in *Judicial Watch, Inc. v. United States Department Of Justice*), I still solidly satisfy even this narrowed understanding of “representative of the news media.” In contrast to *Judicial Watch*, I have clearly demonstrated a firm intention to disseminate to the public my analysis of requested information. In contrast to *Judicial Watch*, which the court found “merely make[s] available [] the requested information”, I analyze the requested information, produce written work based upon that analysis, and disseminate that written work to an audience that eagerly consumes and reproduces my written work. See *Judicial Watch, Inc. v. United States Department of Justice*, 185 F.Supp. 2d 54, 59 (D.D.C. 2002).



17 December 2014

To Whom It May Concern:

In Re: Nina Gilden Seavey Petition for Release of U.S. Government Records for Researching a Documentary Film, *My Fugitive*.

The filming of *My Fugitive* is a documentary project which, when released, will significantly inform and elevate the national conversation about government surveillance, espionage, covert operations and actions intimidating, harassing, discrediting, or politically prosecuting individual citizens and organizations accused of seditious thought and activity. The location and focus of this narrative – St. Louis, Missouri and Howard Washington University – are a prime example of the subject of the intended production. U.S. Government records essential to the project, currently restricted, redacted or closed to researchers, are crucial for an accurate and full disclosure of events and persons portrayed in the film. These records should be become open for research under Freedom of Information Act statutes.

The national and international reputation of the filmmaker, Nina Gilden Seavey, as well as her intimate knowledge of many of the persons and event that constitute the core of the intended documentary, make her the ideal and right person to tell this story effectively, transparently and judiciously. With her impeccable credentials, I am convinced Nina will do this and am certain that for her to do so, the release of the requested documents is vital to the success of the project. As someone present in St. Louis and at Washington University during the period of the documentary subject of the film, I am convinced of the importance and contemporary relevance of this project. I fully endorse the petition under consideration.

Sincerely,

Henry W. Berger

Professor Emeritus of History and American Cultural Studies

Washington University in St. Louis

St. Louis, Missouri 63130

Contact Information: 9 Nob Hill Lane, St. Louis, Missouri 63130

Phone #: 314-989-9441 (Home); 314-935-9532 (Office). E-mail [hwberger@srtsci.wustl.edu](mailto:hwberger@srtsci.wustl.edu)



**Sky Sitney**  
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Office: (202) 687-5425  
Cell: (917) 304-1940

December 6, 2014

To Whom It May Concern:

I am writing this letter in very strong support of Nina Gilden Seavey's request to have the FBI, DIA, and Secret Service release documents related to anti-war protesters involved in her *My Fugitive* film project.

I have known Nina for close to a decade, first as a colleague and mentor, and now friend. I first met Nina in 2005 when I took on the position of Director of Programming for Silverdocs (now called AFI Docs), an internationally recognized documentary festival run by the American Film Institute. Nina is the festival's Founding Director, and continued to serve during my tenure in numerous meaningful capacities, from that of an executive consultant, curator, and conference producer.

I had been familiar with Nina's work even before coming to Silverdocs, having studied her extraordinary, Emmy Award-winning film, *PARALYZING FEAR: THE STORY OF POLIO IN AMERICA* during my graduate coursework at NYU's Cinema Studies Program. During my tenure at Silverdocs, not only did I get to know Nina as a close professional colleague, but I had a first hand view into her impressive creative process and work ethic as she completed four films during this time (*A SHORT HISTORY OF SWEET POTATO PIE*, *THE MATADOR*, *4<sup>TH</sup> AND GOAL*, and *THE WAR AT HOME*), one of which we had the pleasure of showcasing at the festival.

The range and quality of these works, as well as those that precede it, reveal a remarkably prolific and dynamic documentary filmmaker who is able to address an extraordinarily wide range of topics, from the making of sweet potato pie for a retirement community, to young men's quest for a positions in professional football, to PTSD amongst military veterans. More than just the diversity of her subjects, Nina's work has also reflected a dynamic range of documentary formats and approaches, utilizing the techniques of cinema verite in some cases, the expository format in others, and engaging in long-form observation (as in the six years of footage gathered in *4<sup>TH</sup> AND GOAL*). In addition to Nina's own work, she also serves as a story advisor to numerous filmmakers, emerging and legendary. She

understands story, and is always in great demand for her insight and artistic sensibilities, which are frankly unparalleled.

I am particularly excited about Nina's next project, and the one for which she is submitting this sensitive but essential request. MY FUGITIVE has been a labor of love for Nina for decades, and is the project that – while being exceptionally topical and relevant in today's political climate – is also the most personal for her. Nina's forthcoming feature will focus on Howard Mechanic, a young man on the verge of college, who in 1970 was accused of throwing a lighted cherry bomb during an anti-war demonstration at a police officer. This event occurred during the protests that were precipitated by the killing four students had by National Guardsmen at Kent State University. Howard has always maintained his innocence, and Nina's father, Louis Gilden -- one of a scarce few civil rights attorneys in Missouri -- was a critical part of his defense team.

What Nina has uncovered in her extensive, decades-long research for this film is the extent of government surveillance on ordinary (and extraordinary) citizens that had been going on then (and now), and how Mechanic was likely used as a scapegoat to send a cautionary message to other youth protestors.

Although this event takes place in 1970, it couldn't be a more timely topic in today's climate with such 'whistleblowers' as Edward Snowden and WikiLeaks making constant headline news. Understanding the hidden history of government spying on citizens that has existed in different forms is a spine-chilling, utterly relevant, and urgent issue. Given Nina's exceptional capacity, her immense talent as a filmmaker, and her personal connection to this story, I can think of no one better positioned to tell it. And I feel utterly confident that this is a story we all need to hear, and that she will articulate accurately, fairly, and with utter responsibility.

In conclusion, I offer my strongest support of Nina Gilden's request, and encourage you to give it your most serious consideration. Nina's work has always had strong festival and broadcast appeal, and I suspect that this project may be her best yet; which is raising an exceptionally high bar.

Thank you for your time. Please don't hesitate to reach out to me should you require any additional feedback.

Sincerely,

A handwritten signature in cursive script that reads "Sky Sitney".

Sky Sitney





# Exhibit H

April 21, 2015

FBI Records Information Dissemination Section  
Attn: FOIPA request  
170 Marcel Drive  
Winchester, VA 22602-4843

Dear Sir or Madam

I would like to amend my request made to you dated March 3, 2015 with the following additional files concerning organizations, events, and news media requested under the Freedom of Information Act. Please consider the cover letter appended to the March 3, 2015 letter to further detail the justification for these additional files.

Events

Attacks on Police, St. Louis  
Anti-Draft Activities, St. Louis  
April Action  
Festival of Life  
Grape Boycott, St. Louis  
Milwaukee 14  
Possible Racial Violence, St. Louis  
November 15  
Rent Strike  
St. Louis Draft Resistance  
St. Louis Fall Peace Conference

Organizations

American Friends Service Committee, St. Louis  
Black Liberators, St. Louis  
Black Nationalist Movement, St. Louis  
Business Executives Move For Vietnam Peace, St. Louis  
Church of All Worlds, St. Louis  
Clergy and Layman Concerned About Vietnam (also known as Clergy and Laity Concerned), St. Louis  
Committee Against Fascism, St. Louis  
Committee Against War, St. Louis  
Committee to Secure Justice for Ft. Leonard Wood  
Committee to Support the Resistance, St. Louis  
Danforth Foundation  
Doctors for Peace, St. Louis Chapter  
Fellowship of Reconciliation, St. Louis  
Gay Liberation Front, St. Louis  
GI's & Civilians Against the War, St. Louis  
High School Student Union, St. Louis

Krye Packing  
League, War Resisters [or] War Resisters League, St. Louis  
Legal Aid Society, St. Louis  
Legal Defense Fund, St. Louis  
Metro Tenant Org.  
Mid City C.C.  
Minutemen  
NAACP, St. Louis  
National Coalition Against War, Racism, and Repression, St. Louis  
National Economic Boycott, St. Louis  
National Tenants Organization, St. Louis  
National Socialist White Peoples Party, St. Louis  
National Welfare Rights Organization, St. Louis  
New Democratic Coalition  
New Mobilization Committee to End the War [or] Mobilization Committee to End  
the War, St. Louis Chapter  
Peace Action Council  
Peace and Freedom Party, St. Louis Chapter  
Radical Action for People (RAP), St. Louis  
R.A.M.  
Resistance Action Committee (R.A.C.), St. Louis  
Scientists Committee on Chemical and Biological Warfare  
S.C.L.C., St. Louis  
Social Workers for Peace, St. Louis  
Socialists Workers Party, St. Louis  
St. Louis Bail Fund  
St. Louis Council of Black People  
St. Louis Committee Against the War in Vietnam  
St. Louis Doctors for Peace  
Student Mobilization to End the War  
Student Non-Violence Coordinating Committee  
Task Force  
Union of Radical Sociologists  
United Front, St. Louis  
United World Federalists, St. Louis  
Venceremos Brigade

Government Programs

Agitator Index  
Counterintelligence (Black)  
Counterintelligence (New Left)  
Criticism of FBI  
Extremist Highlights  
Foreign Influence in Black Nationalism  
Investigation Memo Depicting Weatherman Fugitives  
Key Activists

Government Program (cont.)

Possible Sources

Media

Daily World

Films for Social Change

Freelance Magazine

New Critics Press

New Hard Times

New Left Publications

Newspapers Underground (Black), St. Louis

Newspapers Underground (New Left), St. Louis

St. Louis Free Press

Underground New Left Newspapers, St. Louis

Underground Black Newspapers, St. Louis

Unidentified

EEDIN

“Fight Back”

NSRP

October 15

PLP

Presido 27

Resistance

Stockpiling Arms

Street Sheet

Transition

Please do not hesitate to contact me at [nina.seavey@yahoo.com](mailto:nina.seavey@yahoo.com) or at (301) 523-7473 should you have any questions concerning this request.

Thank you. I appreciate your time and attention to this matter.

Nina Gilden Seavey

# Exhibit I

April 23, 2015

Director, Office of Information Policy (OIP)  
United States Department of Justice (DOJ)  
1425 New York Ave., NW, Suite 11050  
Washington, DC 20530-0001

**Re: FOIPA Appeal**

Dear Director,

This letter constitutes an appeal under the U.S. Freedom of Information and Privacy Acts (5 U.S.C. §552/552a) and the regulations promulgated thereunder. It is submitted to DOJ OIP by Nina Gilden Seavey.

**Procedural Background**

In a letter (attached as "Addendum A") dated 23 March 2015, the Federal Bureau of Investigation (FBI) denied my request for a waiver of fees on the basis that I "failed to demonstrate that the requested information would contribute significantly to public understanding of the operations or activities of government." Specifically, the FBI claims that "[t]he public's understanding of the subject in question, as compared to the level of public understanding existing prior to the disclosure, would not be enhanced by the disclosure to a significant effect."

The FBI appears to have aggregated my requests for fee purposes, as it sent me a single letter addressing all of my FOIPA requests together. No tracking number was assigned in that letter.

**I Appeal the FBI's Denial of my Request for a Waiver of Fees**

I believe my extensively supported case for a fee waiver submitted as part of my FOIPA requests to the FBI was and is more than adequate to support my request for a waiver of fees. I incorporate by reference the entirety of my FOIPA requests and cover letter as elements of the present appeal.

I am also providing below a revised and expanded case in support of my fee waiver request.

The Department of Justice regulations provide a two-part test for determining whether a requestor is entitled to a waiver of fees. Records responsive to a request are to be furnished without charge if the requestor has demonstrated that "(i) Disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of

the government, and (ii) Disclosure of the information is not primarily in the commercial interest of the requestor.” 28 CFR 16.11(k). The DOJ regulations further require the consideration of the following factors in determining whether the requestor has met the first part of the test: the subject of the request; the informative value of the information to be disclosed; the contribution to an understanding of the subject by the public likely to result from disclosure; and the significance of the contribution to public understanding. 28 CFR 16.11(k)(2). As explained below, my request clearly meets this test. As to the second part of the test, the FBI does not contend that the disclosure of information is primarily in my commercial request.

A. The subject of the requested records concerns the operations and activities of the FBI and broader government, such as U.S. intelligence agency, law enforcement agency, and broader government understanding and handling of the domestic movement for social justice and anti-war dissent in the United States. This includes but is not limited to extensive U.S. intelligence agency, law enforcement agency, and broader government efforts to surveil and thwart the movement. This also includes U.S. intelligence agency, law enforcement agency, and broader government collusion with foreign governments that had a political interest in the U.S. government efforts to suppress Americans’ civil rights guaranteed by the First Amendment to the Constitution. This also includes but is not limited to the utilization of the rhetoric and apparatus of national security by U.S. intelligence agencies, law enforcement agencies, and the broader U.S. government pursuant of the crackdown on civil rights activists. This also includes but is not limited to the utilization of surveillance techniques against domestic and foreign activists, attorneys, and foreign government officials by U.S. intelligence agencies, law enforcement agencies, and the broader U.S. government. This also includes but is not limited to U.S. intelligence agencies, law enforcement agencies, and broader U.S. government designation of political dissent as constituting terrorism and national security threats. As a key portion of all the above, the subjects of the requested records also include or possibly include, but are not limited to, U.S. intelligence agency, law enforcement agency, and broader government involvement in surveillance of anti-war activists; U.S. intelligence agency, law enforcement agency, and broader government provision of intelligence to foreign governments; U.S. intelligence agency, law enforcement agency, and broader government assistance in the arrest and prosecution of activists; U.S. intelligence agency, law enforcement agency, and broader government monitoring of anti-war activists; U.S. intelligence agency, law enforcement agency, and broader government surveillance of attorneys representing anti-war activists; FBI provision of intelligence regarding anti-war activists to American politicians and policy makers; FBI surveillance of anti-war activists and sympathizers in the United States; COINTELPRO operations against anti-war activists and sympathizers in the United States; and the U.S. designation of anti-war activists as terrorist threats.

B. The disclosure is likely to contribute to an understanding of government operations and activities because the disclosable portions of the requested records will be meaningfully informative about those operations and activities.

There is a great need for scholarly historical work to contribute to the public's understanding of the above-described activities and operations of government. This need is especially pronounced for scholarly coverage of these issues from the late 1960s onwards. Likewise, this need is especially pronounced for historical scholarship exploring these issues in relation to each other, rather than treating them in isolation. Such is precisely the periodization and analytical framework of my project. Further, it is not methodologically possible to adequately perform the research and analysis necessary for this project without the FOIA-obtained release of documents from the FBI.

C. Additional Note on the Impermissibility of the FBI's Substitution of Its own Judgment for that of a Scholar's:

As the court also ruled in *Ettlinger v. FBI*, once a scholar has provided the FBI with "an objectively reasonable judgment" as to the significance of his or her research, the FBI is *not permitted to substitute its own judgment for that of scholar's* as to the historical value of the requester's research:

What an agency may not do, particularly in the case of scholars and historical researchers who have documented their qualifications, is substitute its own judgment for that of an objectively reasonable judgment by the requester as to the scholarly, historical or academic value of the particular subject of the requester's research. The agency may evaluate the requester's credentials and qualifications, his or her intent with regard to how the information will be used, the duplicative or repetitive nature of the information, and who will be likely to benefit from the released information and its proposed use. Nothing in the statute or its legislative history authorizes an agency, in making these evaluations, to make its own finding as to whether or not a particular subject is worthy of scholarly or historical attention and to deny a fee waiver on that basis. *Ettlinger v. FBI*, 596 F. Supp. 867, 875 (D. Mass. 1984).

While unnecessary given all of the above, in order to make the present situation as unambiguous as possible, and as discussed in *Ettlinger v. FBI*, I am here submitting a signed letter of support (referenced above and attached as "Addendum B") from Professor Leo Ribuffo, The Society of the Cincinnati George Washington Distinguished Professor of History at George Washington University, a leading historian of modern America who is familiar with my work. This letter from a leading scholar testifies to the significant academic and broader public importance of my research and analysis.



D. The disclosure of the requested records is likely to contribute “significantly” to public understanding of government operations and activities because disclosure would enhance to a significant extent the public’s understanding of the subject in question as compared to the level of public understanding existing prior to the disclosure.

There is a substantial hole in the film and written literature and news publications regarding FBI and allied agency surveillance of students and their political activities outside of the “headline” players (e.g. Bernadine Dohrn, William Ayers, Abbie Hoffman, Jerry Rubin, and Tom Hayden) due to a lack of primary source documents. Aside from the book, *The Subversives*, which focused on the University of California at Berkley, there are no other “local histories” that document the distinct experience of student activists and their interactions with the local and federal law enforcement as they challenged the status quo and protested against America’s involvement in the Vietnam War. The story of St. Louis and Washington University, is, however, particularly noteworthy and important. While the students there participated in a national movement, their activities and the response to those activities by local and federal law enforcement and allied agencies was specific to the culture and mores of Missouri. Indeed, from the small number of documents that we have been able to review, the experience – and the results – of this interaction between Midwestern students and federal agencies was both trenchant and wide-spread, but very particular to this place and time. To remedy this lack of awareness about a critical moment in the history of America’s Midwest, there must be significant research and analysis, and it begins with the release of the documents that will provide a clearer picture of this story given its historical, journalistic, political, and social importance.

In sum, the primary reason such necessary work has not yet been accomplished is the same core obstacle that currently confronts my project of which the here-submitted requests are part. Very little documentary or other information on these matters is publicly available. Simply put, in order to adequately understand and convey the roles of the U.S. intelligence and law enforcement agencies (prominently including the FBI) in the student anti-war movement in Missouri, access to the records of these agencies (prominently including the FBI) is a necessity. Yet, the overwhelming preponderance of these records (prominently including those of the FBI) has not been made available to researchers or the general public. These records remain withheld from researchers and the general public alike within the filing systems of the FBI and other agencies.

The great majority of the records I require to conduct my study and to create the resultant documentary are in the possession of the FBI and are not in the public domain. It is not methodologically possible to adequately perform the research and analysis necessary for this project without the FOIA-obtained release of documents from the FBI. The requests seek the disclosure of these required records.

### III. CONCLUSION.

As demonstrated above, and as corroborated by my letters of support, the disclosure of the requested records will significantly contribute to expanded public understanding of government operations. I have the intent and ability to disseminate this significant expansion of public understanding of government operations. The public interest in this significant expansion of public understanding of government operations far outweighs any commercial interest of my own in the requested release. Accordingly, my fee waiver request amply satisfies the rules of 28 C.F.R. 16.11(k). Legislative history and judicial authority emphatically support this determination. For these reasons, and based upon their extensive elaboration above, I request that the decision to deny my request for a fee waiver be reversed, and that a full waiver of fees be granted. Should OIP deny my appeal, I fully intend to seek redress in the courts.

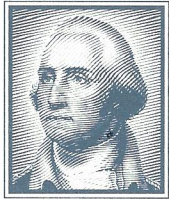
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As provided in the Freedom of Information Act, I will expect to receive a response to this administrative appeal letter within twenty working days.

Please do not hesitate to contact me if you have any questions concerning this appeal.

Thank you. I appreciate your time and attention to this matter.

Nina Gilden Seavey



THE GEORGE  
WASHINGTON  
UNIVERSITY  
WASHINGTON DC

DEPARTMENT OF HISTORY

April 22, 2015

To whom it may concern:

I write in strong support of your release of documents and fee waiver for Professor Nina Gilden Seavey as she pursues her film project, *My Fugitive*. I will first address the merits of the project and then discuss Seavey's high qualifications for doing it.

There has been no documentary work that has attempted at once the expanse and focus of endeavor in which Professor Seavey is now engaged. She is exploring the intersection of the government's operations and activities as they impacted the rights of citizens, including students, civil rights activists, and academics, in St. Louis, Missouri at a critical time in our nation's history. This nexus at the local level in the Midwest has never heretofore been explored, either in written or filmic form, and will be a critical addition to understanding of social as well as regional American History. As Seavey notes in her FOIA cover letter (March 3, 2015), the focus typically falls on "headline players" like Tom Hayden and Jerry Rubin whose activities centered on the East and West Coast rather than the Midwest or border states (Missouri counts as both). The central region of our nation, which has its own unique culture and social traditions, needs much more attention--not least because regional studies of all sort have become a major subfield within the historical profession during the last decade.

With respect to dissent and government suppression during the 1960s and 1970s, this gap in the historical record is due to the absence of the primary source material needed to establish the connections between the government's involvement in the lives of citizens and as it influenced the media and institutions. Professor Seavey will shed light on specific activities and government operations for which there is now a vacuum in the public's knowledge. The questions that she is exploring that are sui generis to this project include the following:

- What were the surveillance activities and interpretation of garnered intelligence concerning the New Left that were specific and representative of the Midwest and represented the specific ethics and social mores of that particular region of the nation?
- What were the connections drawn concerning activities among members of the New Left and the civil rights organizations, specifically of the Black Panthers fringe group, ACTION, headquartered in St. Louis?

- What were the ongoing relationships that developed between federal law enforcement and media outlets such as the St. Louis Globe Democrat, the Outlaw, KDNA Radio, and the St. Louis Post Dispatch that either encouraged or impeded the dissemination of information to the public about activities of the New Left in St. Louis.
- What were the connections that law enforcement at the Federal level drew between St. Louis New Left activists and other government agencies such as military intelligence, the CIA, and the Office of the Attorney General in St. Louis that heightened surveillance of students and faculty on the campus of Washington University?
- What were the surveillance activities by the FBI of members of the faculty of Washington University, including but not limited to: Barry Commoner, Garland Allen, Irving, Dan Bolef, David Colfax, Irving Horowitz, among others that may have affected tenure and promotion of young faculty and ultimately influenced the dissolution of the Department of Sociology at Washington University, which had been one of the best in the country?
- What were the relationships that developed between administrators and trustees at Washington University, the FBI, the Office of the Attorney General, the local St. Louis Police Department that led to the surveillance of specific students including, but not limited to, Howard Mechanic, Lawrence Kogan, Stephen Graham, Devereaux Kennedy, among others and that led to the conviction and sentencing of these and other student activists on federal and local charges not imposed in other parts of the nation?

All of these issues are specific and salient to the St. Louis Office of the FBI between 1960 and 1975 and will shed new light on government operations and activities in the Midwest that have never yet been explored and which will reveal a new chapter in American History.

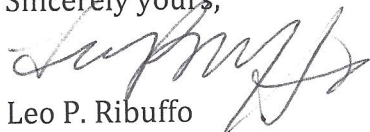
Therefore, first and foremost is the release of records will allow this very detailed, complex story to be formulated with all of the intelligence and insight that Professor Seavey will bring to it. Her audience will include many publics, including a general audience (perhaps especially a young generation), the broader public, as well as students and scholars of history, both within the U.S. and abroad. Accordingly, this project will certainly serve to enhance "public understanding" as is required by FOIA regulations. As Seavey notes in her FOIA letter, she has "already published and spoken extensively" on this subject and will continue to do so.

Professor Seavey is not only my current colleague at George Washington University where she directs the Documentary Center, but she was also my student and teaching assistant when he pursued her M. A. in history decades ago. Thus I observed her qualities as a thoughtful communicator of ideas long before she



reached a wider audience. That audience is now literally worldwide, as can be seen in the list of documentary films she had produced and directed. The topics range from domestic developments during World War II to sports as diverse as football and bull fighting. Several have won major prizes. As her documentaries on polio and the home front during WWII show, she has a good feel for social, political, and regional history in United States during the modern era. Part of this sensitivity may come from her "real world" experiences working in Congress, in the Executive Branch, and for several presidential candidates. Most important, however, to the best of my knowledge Seavey is the only documentary filmmaker to hold a graduate degree in history.

Sincerely yours,



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