



October 30, 2020

MR. JOHN GREENEWALD JR.
SUITE 1203
27305 WEST LIVE OAK ROAD
CASTAIC, CA 91384-4520

OIP Appeal No.: DOJ-AP-2017-002894
FOIPA Request No.: 1363980-000
Subject: Granted Fee Waivers
(FY 2015 and FY 2016)

Dear Mr. Greenewald:

The enclosed documents were reviewed under the Freedom of Information/ Act (FOIA), Title 5, United States Code, Section 552. Below you will find check boxes under the appropriate statute headings which indicate the types of exemptions asserted to protect information which is exempt from disclosure. The appropriate exemptions are noted on the enclosed pages next to redacted information. In addition, a deleted page information sheet was inserted to indicate where pages were withheld entirely and identify which exemptions were applied. The checked exemption boxes used to withhold information are further explained in the enclosed Explanation of Exemptions.

Section 552		Section 552a
<input type="checkbox"/> (b)(1)	<input type="checkbox"/> (b)(7)(A)	<input type="checkbox"/> (d)(5)
<input type="checkbox"/> (b)(2)	<input type="checkbox"/> (b)(7)(B)	<input type="checkbox"/> (j)(2)
<input checked="" type="checkbox"/> (b)(3)	<input type="checkbox"/> (b)(7)(C)	<input type="checkbox"/> (k)(1)
<u>50 U.S.C., 3024(i)(1)</u>	<input type="checkbox"/> (b)(7)(D)	<input type="checkbox"/> (k)(2)
_____	<input checked="" type="checkbox"/> (b)(7)(E)	<input type="checkbox"/> (k)(3)
_____	<input type="checkbox"/> (b)(7)(F)	<input type="checkbox"/> (k)(4)
<input type="checkbox"/> (b)(4)	<input type="checkbox"/> (b)(8)	<input type="checkbox"/> (k)(5)
<input type="checkbox"/> (b)(5)	<input type="checkbox"/> (b)(9)	<input type="checkbox"/> (k)(6)
<input checked="" type="checkbox"/> (b)(6)		<input type="checkbox"/> (k)(7)

445 pages were reviewed and 312 pages are being released.

Please see the paragraphs below for relevant information specific to your request as well as the enclosed FBI FOIPA Addendum for standard responses applicable to all requests.

- Document(s) were located which originated with, or contained information concerning, other Government Agency (ies) [OGA].
 - This information has been referred to the OGA(s) for review and direct response to you.
 - We are consulting with another agency. The FBI will correspond with you regarding this information when the consultation is completed.

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. “Part 1” of the Addendum includes standard responses that apply to all requests. “Part 2” includes additional standard responses that apply to all requests for records about yourself or any third party individuals. “Part 3” includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

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

If you are not satisfied with the Federal Bureau of Investigation’s determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP’s FOIA STAR portal by creating an account following the instructions on OIP’s website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked “Freedom of Information Act Appeal.” Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Alternatively, you may contact the FBI’s FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state “Dispute Resolution Services.” Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

See additional information which follows.

The enclosed documents represent the first interim release of information responsive to your negotiated FOIA request.

Duplicate copies of the same document were not processed

This material is being provided to you at no charge.

Sincerely,



Michael G. Seidel
Section Chief
Record/Information
Dissemination Section
Information Management Division

Enclosure(s)

FBI FOIPA Addendum

As referenced in our letter responding to your Freedom of Information/Privacy Acts (FOIPA) request, the FBI FOIPA Addendum provides information applicable to your request. Part 1 of the Addendum includes standard responses that apply to all requests. Part 2 includes standard responses that apply to requests for records about individuals to the extent your request seeks the listed information. Part 3 includes general information about FBI records, searches, and programs.

Part 1: The standard responses below apply to all requests:

- (i) **5 U.S.C. § 552(c).** Congress excluded three categories of law enforcement and national security records from the requirements of the FOIPA [5 U.S.C. § 552(c)]. FBI responses are limited to those records subject to the requirements of the FOIPA. Additional information about the FBI and the FOIPA can be found on the www.fbi.gov/foia website.
- (ii) **Intelligence Records.** To the extent your request seeks records of intelligence sources, methods, or activities, the FBI can neither confirm nor deny the existence of records pursuant to FOIA exemptions (b)(1), (b)(3), and as applicable to requests for records about individuals, PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(1), (b)(3), and (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records is itself a classified fact protected by FOIA exemption (b)(1) and/or would reveal intelligence sources, methods, or activities protected by exemption (b)(3) [50 USC § 3024(i)(1)]. This is a standard response and should not be read to indicate that any such records do or do not exist.

Part 2: The standard responses below apply to all requests for records on individuals:

- (i) **Requests for Records about any Individual—Watch Lists.** The FBI can neither confirm nor deny the existence of any individual's name on a watch list pursuant to FOIA exemption (b)(7)(E) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)]. This is a standard response and should not be read to indicate that watch list records do or do not exist.
- (ii) **Requests for Records about any Individual—Witness Security Program Records.** The FBI can neither confirm nor deny the existence of records which could identify any participant in the Witness Security Program pursuant to FOIA exemption (b)(3) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(3), 18 U.S.C. 3521, and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.
- (iii) **Requests for Records for Incarcerated Individuals.** The FBI can neither confirm nor deny the existence of records which could reasonably be expected to endanger the life or physical safety of any incarcerated individual pursuant to FOIA exemptions (b)(7)(E), (b)(7)(F), and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (b)(7)(F), and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

Part 3: General Information:

- (i) **Record Searches.** The Record/Information Dissemination Section (RIDS) searches for reasonably described records by searching systems or locations where responsive records would reasonably be found. A standard search normally consists of a search for main files in the Central Records System (CRS), an extensive system of records consisting of applicant, investigative, intelligence, personnel, administrative, and general files compiled by the FBI per its law enforcement, intelligence, and administrative functions. The CRS spans the entire FBI organization, comprising records of FBI Headquarters, FBI Field Offices, and FBI Legal Attaché Offices (Legats) worldwide; Electronic Surveillance (ELSUR) records are included in the CRS. Unless specifically requested, a standard search does not include references, administrative records of previous FOIPA requests, or civil litigation files. For additional information about our record searches, visit www.fbi.gov/services/information-management/foipa/requesting-fbi-records.
- (ii) **FBI Records.** Founded in 1908, the FBI carries out a dual law enforcement and national security mission. As part of this dual mission, the FBI creates and maintains records on various subjects; however, the FBI does not maintain records on every person, subject, or entity.
- (iii) **Requests for Criminal History Records or Rap Sheets.** The Criminal Justice Information Services (CJIS) Division provides Identity History Summary Checks – often referred to as a criminal history record or rap sheet. These criminal history records are not the same as material in an investigative “FBI file.” An Identity History Summary Check is a listing of information taken from fingerprint cards and documents submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. For a fee, individuals can request a copy of their Identity History Summary Check. Forms and directions can be accessed at www.fbi.gov/about-us/cjis/identity-history-summary-checks. Additionally, requests can be submitted electronically at www.edo.cjis.gov. For additional information, please contact CJIS directly at (304) 625-5590.
- (iv) **National Name Check Program (NNCP).** The mission of NNCP is to analyze and report information in response to name check requests received from federal agencies, for the purpose of protecting the United States from foreign and domestic threats to national security. Please be advised that this is a service provided to other federal agencies. Private Citizens cannot request a name check.

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

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

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

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

This document is made available through the declassification efforts
and research of John Greenewald, Jr., creator of:

The Black Vault



The Black Vault is the largest online Freedom of Information Act (FOIA) document clearinghouse in the world. The research efforts here are responsible for the declassification of hundreds of thousands of pages released by the U.S. Government & Military.

Discover the Truth at: <http://www.theblackvault.com>

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1363980-0

Total Deleted Page(s) = 7

- Page 17 ~ b6;
- Page 18 ~ b6;
- Page 19 ~ b6;
- Page 20 ~ b6;
- Page 30 ~ b6;
- Page 31 ~ b6;
- Page 32 ~ b6;

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X Deleted Page(s) X  
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06/08/11

Freedom of Information and Privacy Acts request for information on a deceased person: *Henry Hutto* (1953-2003)

To: Federal Bureau of Investigation
Record/Information Dissemination Section

This letter constitutes a formal request under the U.S. Freedom of Information and Privacy Acts (5 U.S.C. §552) and the regulations promulgated thereunder.

REQUESTER INFORMATION:

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Information Sought:

I request disclosure of any and all records that were prepared, received, transmitted, collected and/or maintained by the FBI, the National Joint Terrorism Task Force, or any Joint Terrorism Task Force relating or referring to the living person *Henry Hutto* (1953-2003).

Name: **Henry Hutto**
Date of Birth: **17 September 1953**
Place of Birth: **Detroit, MI**
Date of Death: **19 April 2003**
Place of Death: **Eugene, OR**

Attached please find Hutto's **obituary** as published by *The Register-Guard* (Eugene, OR).

Request for FBI Headquarters, Field Office, and Task Force Office Searches:

I request that a complete and thorough search for any and all materials relating or referring to Hutto be conducted in any and all indices, filing systems, and locations pertaining to any and all materials prepared, received, transmitted, collected and/or 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.

Request for Main File and Cross-Reference searches:

I request that a search of all main file *and cross-reference* indices and indexes, as well as of all electronic and manual indices and indexes, be conducted for materials relating or referring to Hutto.

This request includes, but is not limited to, documents, reports, memoranda, letters, electronic files, "See Also" files, "Do Not File" files, "Official & Confidential" files, numbered and lettered subfiles, 1A envelopes, enclosures behind files (EBF's), "Personal & Confidential" files, photographs, audio tapes & videotapes, electronic or microphone surveillance (ELSUR or MISUR), or photographic surveillance, "JUNE" files, "Obscene" Files, "Subversive" Indexes, Bulky Exhibits, control files, mail covers, trash covers; and any index citations relating to Hutto or referencing Hutto ("see also") in other files. I request that all records be produced with the administrative markings and that all reports include the administrative pages.

Please search *all* of your indices and indexes and interpret this request broadly.

Request for ELSUR, MISUR, and FISUR searches:

As part of the above request, I request that a search of all electronic, microphone, and physical surveillance indices and indexes for any and all records relating or referring to Hutto be conducted.

Request for electronic and paper searches:

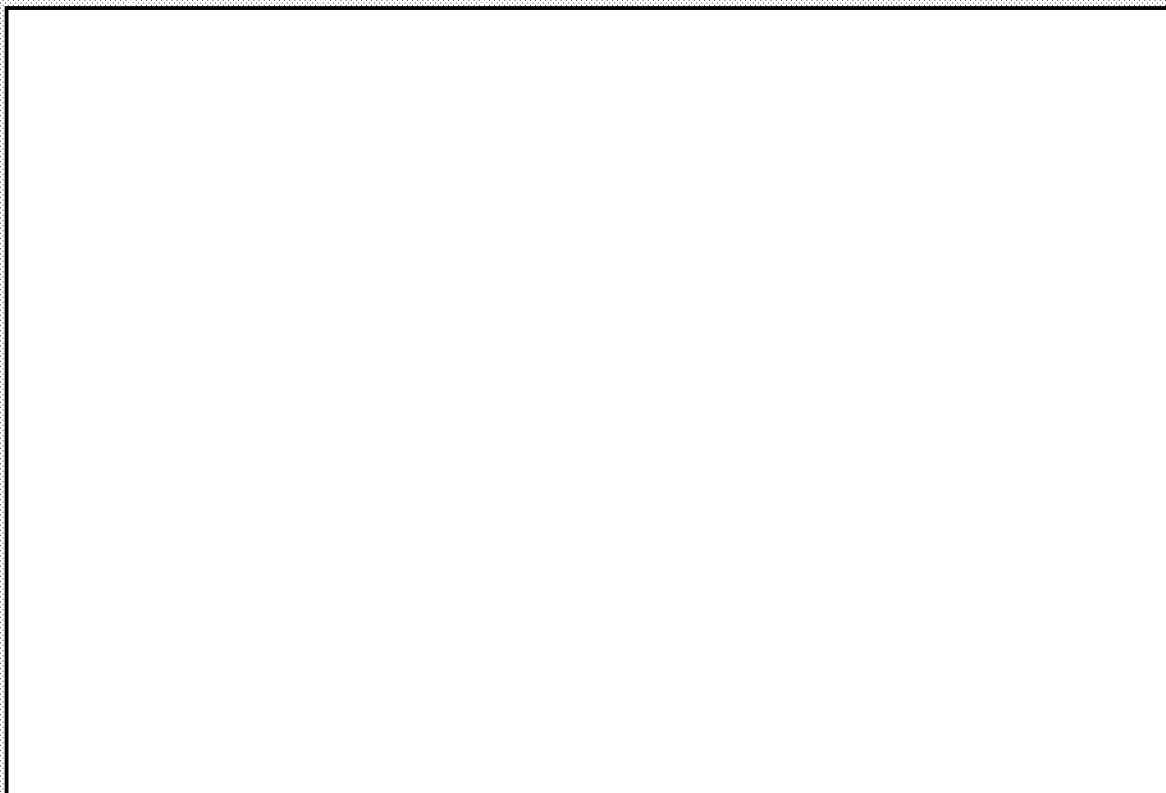
As part of the above request, I request that a search of all electronic and paper records for any and all materials relating or referring to Hutto be conducted.

Request for Additional Included References:

As part of the above request, I request that any references to the below living and deceased individuals contained in the above-requested release (Hutto) be provided to me unredacted. These below individuals have all provided me with signed privacy waivers pursuant of this end, or I have obtained obituaries for them. I submitted copies of the vast majority of these privacy waivers and obituaries in my FOIPA request No. 1167292-000 [redacted]. I submitted the remainder in my FOIPA request No. 1167435-000 [redacted]. Please use these previously submitted privacy waivers and obituaries in processing this present FOIPA request (Hutto).

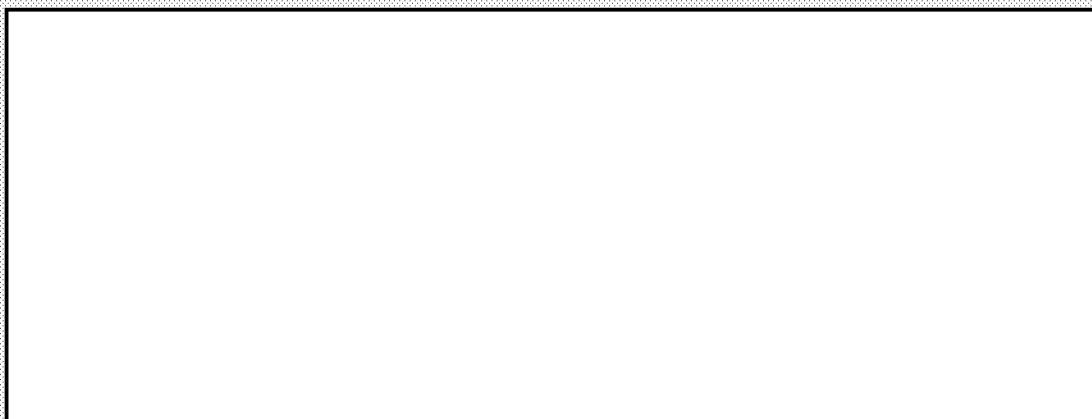
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-Amory, Cleveland (1917-1981)

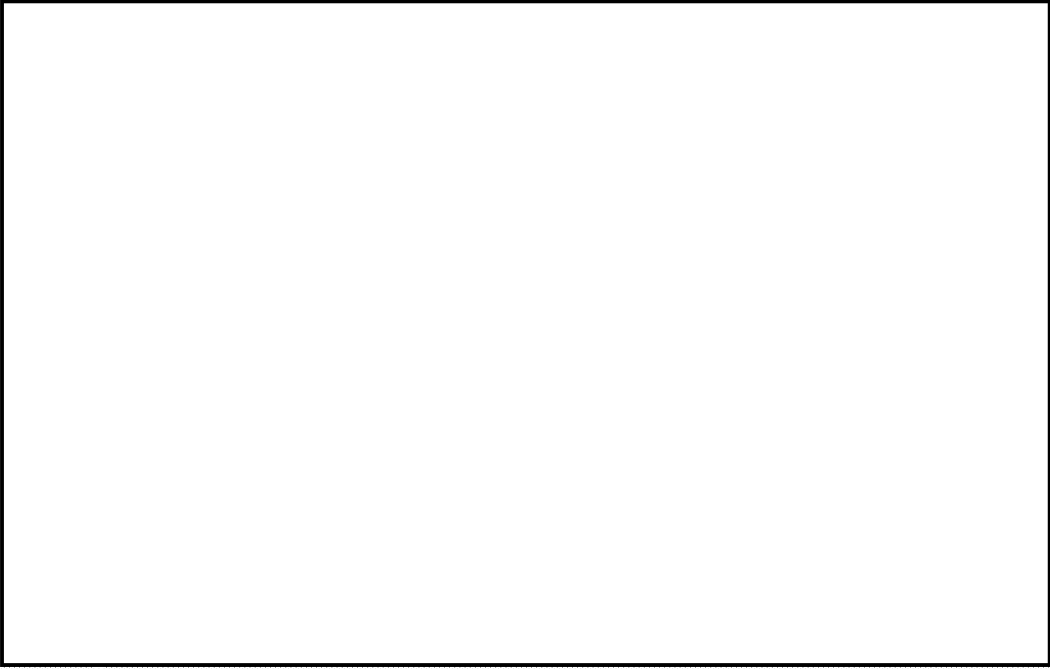


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-Cate, Dexter L. (1943-1990)



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Herrington, Alice (ca. 1919-1994)



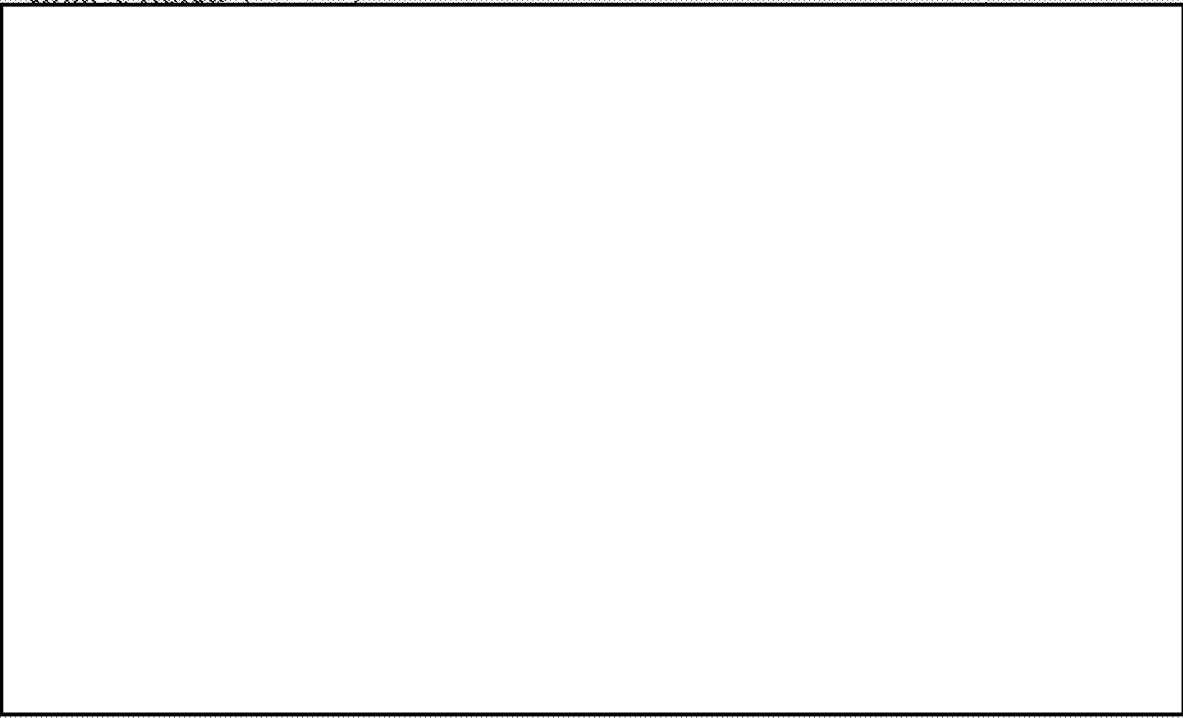
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Hutto, Henry (1953-2003)



b6

Jones, Helen (?-1998)



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Myers, Fred (1904-1963)



b6

b6



-Seiling, Eleanor (ca. 1907-1985)

b6



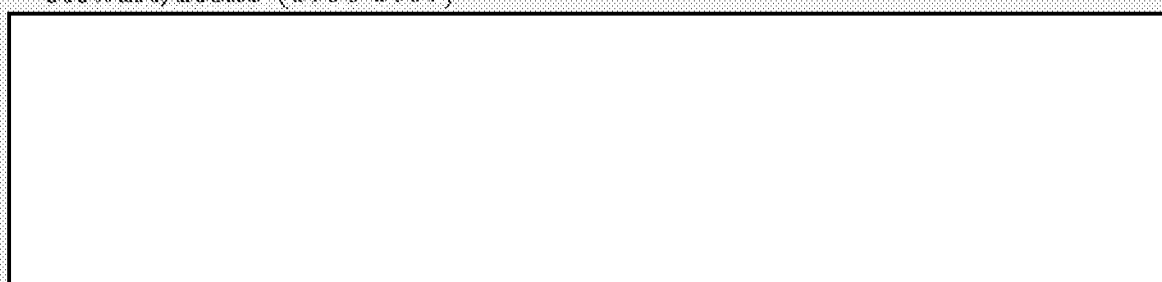
-Spira, Henry (1927-1998)

b6



-Stewart, Leslie (1936-2009)

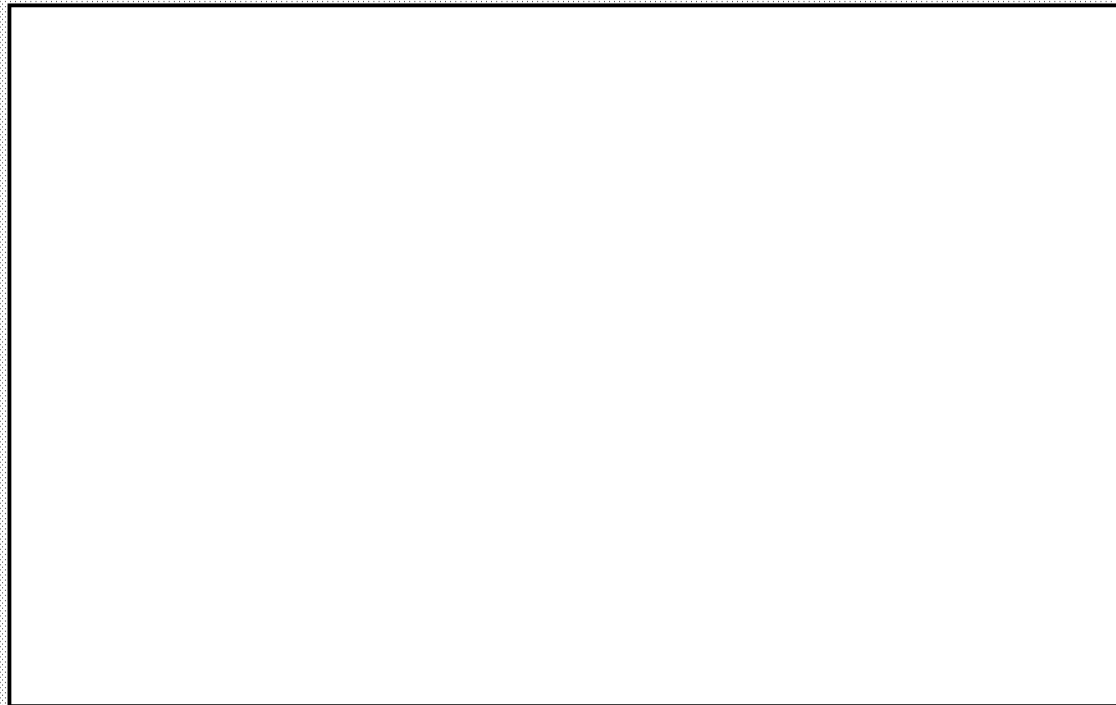
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-Troen, Roger (1931-2008)



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Request for FOIA Search Slip:

As part of the above request, I request that a copy of the **FOIA Search Slip** generated as a result of this request be provided to me.

Exemptions:

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.

In excising material, please "black out" the material rather than "white out" or "cut out." I expect, as provided by FOIA, that the remaining non-exempt portions of 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.

Format:

I request that any releases stemming from this request be provided to me in digital format on a compact disk or other like media.

Additionally:

Please place any "missing" files pertaining to this request on "special locate" and advise me that you have done this.

Please send a memo (copy to me) to the appropriate units in your office to assure that no records related to this request are destroyed. Please advise of any destruction of records and include the date of and authority for such destruction.

Payment:

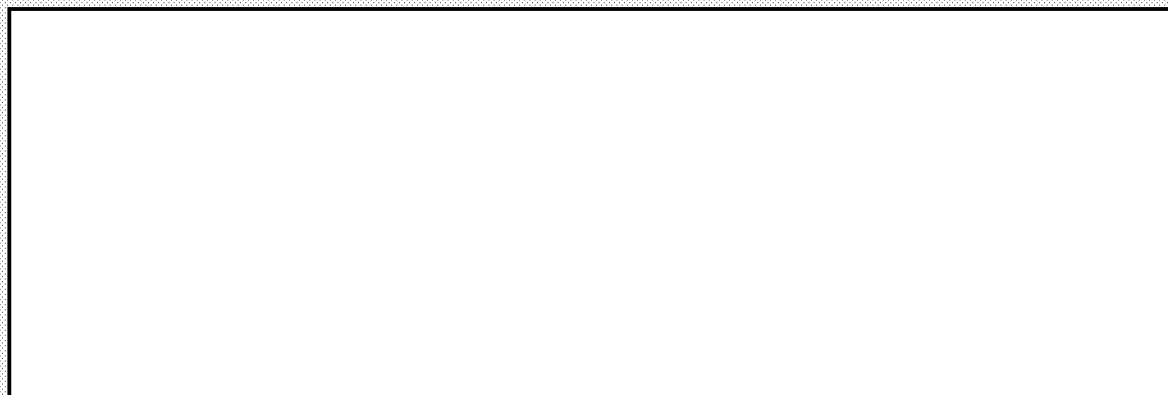
I am willing to pay any reasonable expenses associated with this request, however, as the purpose of the requested disclosure is in full conformity with the statutory requirements for a waiver of fees, I formally request such a waiver. I request a waiver of all costs pursuant to 5 U.S.C. §552(a)(4)(A)(iii) ["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.'").

As detailed below, 1) The subject of the requested records concerns the operations of government. 2) The disclosure of the requested information is likely to significantly contribute to greater understanding of government operations. 3) The

disclosure of the requested information will significantly contribute to greater public understanding of government operations. 4) I have the ability and intention to disseminate said information to the public. 5) My dissemination of the requested information will contribute significantly to expanded public understanding of government operations.

i) Disclosure of Documents Will Significantly Contribute to Public Understanding of Government operations:

The disclosure of the documents I requested is in the public interest because the information is likely to contribute significantly to public understanding of the operations or activities of government and is not primarily in my commercial interest. 28 C.F.R. § 16.11(k)(2). As stated in the legislative history, "A requester is likely to contribute significantly to public understanding if the information disclosed is new; supports public oversight of agency operations; or otherwise confirms or clarifies data on past or present operations of the government." 132 Cong. Rec. H9464 (Reps. English and Kindness). This request amply satisfies these requirements.



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The animal rights movement is a major American social and political movement that is daily engaged in heated controversies with government agencies. It is one of the most controversial and quickly growing social movements in the United States, and volumes upon volumes of new scholarly and popular literature on the animal rights movement are produced each year. Even the most cursory investigation demonstrates the tremendous general public interest, as well as scholarly interest, in the animal rights movement. A quick search for "animal rights" on Google.com yields "about 3,950,000" results. An Amazon.com "book search" for "animal rights" yields 1,512 results. And a search for "animal rights" on the scholarly article search engine JSTOR yields 4,104 results. Even the FBI's own website yields dozens upon dozens of search results for "animal rights."¹

The FBI is the leading law enforcement and domestic counter-terrorism governmental agency in the United States. As with the animal rights movement,

¹ Searches conducted on 29 May 2010.

even the most cursory of investigations demonstrates the tremendous general public interest, as well as scholarly interest, in the operations of the FBI. A quick search for "Federal Bureau of Investigation" on Google.com yields "about 2,600,000" results. An Amazon.com "book search" for "Federal Bureau of Investigation" yields 1,480 results. And a search for "Federal Bureau of Investigation" on the scholarly article search engine JSTOR yields 4,611 results.² In particular, the FBI's investigations of, and at times campaigns against, American social justice and advocacy organizations remain among the most controversial of FBI and domestic U.S. governmental operations.³

As my research demonstrates, the FBI has played a profound, shifting, and deeply controversial role in the evolution of the animal rights movement and its efforts to protect animals. Relatedly, and as discussed in part below, the animal rights movement has played a profound, shifting, and deeply controversial role in the evolution of the FBI's understanding of its own mission. Further, the often hidden intersections of the animal rights movement and FBI operations have played profound, shifting, and again deeply controversial roles in defining the meanings and limits of "terrorism," "national security," and "free speech" in the United States.

To date, almost no scholarly information, and little other information, is available to scholars or the broader public on these vital issues. Further, the little information on these matters that is currently available to scholars and the broader public is almost entirely based upon press articles, interviews with activists, and to a lesser extent, court records. Virtually none of this already minimal information builds upon the internal records of the FBI. FBI records pertaining to the Bureau's understanding and handling of the animal rights movement contain vital information on these matters that is not available through any other sources.⁴ As such, these highly controversial

² Searches conducted on 9 March 2011.

³ This point is explored further below. However, for further evidence of the consistently controversial nature of FBI operations concerning American social justice and advocacy organizations, one need look no further than popular and scholarly attention to COINTELPRO (Counter Intelligence Program), the FBI's infamous 1950s-1970s assaults on the civil liberties of American advocacy organizations. A quick search for "COINTELPRO" on Google.com yields "about 362,000" results. An Amazon.com "book search" for "COINTELPRO" yields 111 results. And a search for "COINTELPRO" on the scholarly article search engine JSTOR yields 272 results. (Searches conducted on 9 March 2011). Further, the FBI's understanding and handling of the animal rights movement is increasingly compared to COINTELPRO. (For example, see [GreenIsTheNewRed.com](http://www.greenisthenewred.com)). My research directly examines these connections. Already, and as discussed below, FBI documents obtained by me through FOIA requests, and my analysis of these documents, have been used by an award-winning journalist to highlight the similarities between the FBI's COINTELPRO program and its current handling of the animal rights and environmental movements. See <http://www.greenisthenewred.com/blog/fbi-file-reveals-discussion-of-discrediting-animal-rights-activists-by-planting-rumors/3282/>

⁴ Scholarly analysis of FOIA-obtained FBI records is a well-accepted research methodology. 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

topics concerning government operations, national security, and free speech are not only grossly under-examined, but the few examinations that even begin to touch upon them neglect to examine the key sources that would by far shed the most light upon the nature and evolution of the FBI's deeply consequential and controversial understanding and handling of the animal rights movement. Pursuant of correcting these vast gaps in public understanding of government operations, I have requested through the Freedom of Information Act, and will continue to request, information held by the FBI pertaining to key individuals, organizations, and events related to the FBI's role in animal use and protection conflicts from the pre-World War II period to the present. As detailed below, the disclosure of information held by the FBI pertaining to its understanding and handling of Henry Hutto will significantly contribute to my research into the intersections of the animal rights movement and FBI operations, and as such will significantly contribute to expanded public understanding of government operations, as well as support the public oversight of government agencies.

Hutto was a pioneering militant animal rights direct action activist. Hutto repeatedly engaged in, advocated, was arrested for, and was incarcerated for acts of "direct action" in the name of animal rights.⁵

The FBI is unambiguous about the significant public importance of the militant/extremist animal rights movement, and especially of the movement's direct action tactics pioneered by activists such as Hutto.⁶ Further, the FBI is especially

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). And, while I am the first scholar to systematically request and analyze FBI documents pertaining to the Bureau's understanding and handling of the animal rights movement, for an example of scholarly analysis of Canadian Access to Information Act-obtained intelligence agency records pertaining to Canadian governmental suppression of animal rights activists, see Kevin Walsh and Jeffrey Monaghan's "Private Eyes and Public Order: Policing and Surveillance in the Suppression of Animal Rights Activists in Canada," *Social Movement Studies* (Vol. 10, No. 1, 21-37, January 2011).

⁵ Personal communication of the author with [redacted]

⁶ For one example among many, see Deputy Assistant Director, Counterterrorism Division, FBI, John E. Lewis, "Addressing the Threat of Animal Rights Extremism and Eco-Terrorism." Testimony before United States Senate Committee on Environment and Public Works, 18 May 2005. Available online at: <http://www.fbi.gov/news/testimony/addressing-the-threat-of-animal-rights-extremism-and-eco-terrorism/?searchterm=%22animal%20rights%22>

unambiguous about the even greater significant public importance of the FBI's own handling of the militant/extremist animal rights movement and its associated direct action techniques. Even a quick search for "animal rights" on the FBI's own webpage reveals dozens of hits with titles such as "Addressing the Threat of Animal Rights Extremism and Eco-Terrorism" (Senate testimony), "Animal Rights Extremism and Ecoterrorism" (Senate testimony), and "Investigating and Preventing Animal Rights Extremism" (Senate testimony).⁷ The special significance of "direct action" animal rights tactics, such as those pioneered by Hutto, are repeatedly singled out by the FBI in the above testimony and throughout the search results for "animal rights" on the FBI website.⁸ Indeed, as of 2005, FBI Deputy Assistant Director John Lewis asserted, "The No. 1 domestic terrorism threat is the eco-terrorism, animal-rights movement[.]"⁹

Given that the FBI itself repeatedly and insistently affirms the significant public threat to American national security posed by militant/extremist animal rights activists and their direct action tactics, and the even greater public significance of the FBI's aggressive and much-touted responses to militant/extremist animal rights activists and their direct action tactics, the disclosure by the FBI of information pertaining to its understanding and handling of pioneering militant animal rights direct action activist Hutto will significantly contribute to expanded public understanding of government operations concerning the maintenance of American national security in the face of domestic terrorism.

Relatedly, the significant public interest in the disclosure of information pertaining to the FBI's understanding and handling of Hutto is further supported by the existence of an ongoing public controversy over the FBI's designation of the militant animal rights and environmental movements as "The No. 1 domestic terrorism threat" faced by the United States today.¹⁰ Given, as the FBI concedes, that no animal rights or environmental organization has ever physically injured a single person in the movements' decades of existence in the United States, many persons and organizations from across the political spectrum have openly questioned the merit and wisdom of designating the animal rights movement as the leading domestic terror threat.¹¹

For example, Henry Schuster, a senior producer in CNN's investigative unit who has covered terrorism for CNN for over a decade, wrote a 24 August 2005 article for

⁷ <http://www.fbi.gov/search?SearchableText=%22animal+rights%22>

⁸ <http://www.fbi.gov/search?SearchableText=%22animal+rights%22>

⁹ Schuster, Henry. "Who's Most Dangerous?: Eco-terrorists are now above ultra-right extremists on the FBI charts." CNN.com, 24 August, 2005.

See also, "Associated Press. "FBI surprise on top Domestic Terror Threat: It's not abortion foes or Klan, but animal and eco-extremists." MSNBC.com, 19 May 2005.

¹⁰ Schuster, Henry. "Who's Most Dangerous?: Eco-terrorists are now above ultra-right extremists on the FBI charts." CNN.com, 24 August, 2005.

¹¹ Ibid.

CNN.com titled, "Who's Most Dangerous?: Eco-terrorists are now above ultra-right extremists on the FBI charts."¹² In this article, CNN's Schuster is highly critical of the FBI's decision to designate the animal rights movement as more dangerous to the United States than right-wing militia groups and violent racist organizations with long histories of extreme violence against persons and murder.

Especially vocal on this point, and quoted at length in Schuster's article, is Mark Potok of the Southern Poverty Law Center, a leading civil rights organization that has tracked hate crimes and violent extremism in the United States for decades. Though no fan of the animal rights movement, Potok is adamant that, "It is simply ludicrous to describe animal rights and eco-terrorism as the No. 1 threat. [...] It is difficult to understand how the leaders of our major national security organizations can see it this way."¹³ According to Schuster, "Potok thinks politics is behind the decision: Political pressure from the White House and conservative Republicans toward the environmental movement is, in part, the reason eco-terrorism is now the priority, he said."¹⁴

Both CNN's Henry Schuster and the Southern Poverty Law Center's Mark Potok are deeply concerned by the ramifications of what they perceive to be the FBI's political rather than security-oriented criteria for calculating America's domestic terror priorities. Asserts Schuster, "[I]f you are the FBI or Department of Homeland Security, your domestic terror priority drives how finite resources are allocated -- especially when so much attention and money is focused on al Qaeda and international terror."¹⁵ Follows Potok, "My worry is that, [because of the political designation of animal rights organizations as America's leading domestic terror threats,] just as in the years running up to the Oklahoma City bombing, ... we will ignore a world of violence emanating from our own extreme right."¹⁶

Similarly, award-winning independent journalist Will Potter¹⁷ regularly invokes the FBI's designation of animal rights organizations as the nation's leading domestic terror threats as evidence of widespread political exploitation of post 9-11 concerns over domestic terrorism.¹⁸ For example, Potter questions the wisdom, legitimacy, and consequences of FBI priorities that classify as "not terrorists" individuals and organizations including a tax protester who flew a plane into an IRS building in

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ <http://www.greenisthenewred.com/blog/bio/>

¹⁸ For three (of many) examples of Potter's treatment of the issue, see:

<http://www.greenisthenewred.com/blog/video-number-one-domestic-terrorism-threat/2651/>

<http://www.greenisthenewred.com/blog/tea-party-terrorist/2616/>

<http://www.greenisthenewred.com/blog/joseph-andrew-stack-out-terrorist-irs/2529/>

<http://www.greenisthenewred.com/blog/green-scare/>

Texas¹⁹, militia members who incited brick attacks on lawmakers' offices²⁰, and a white supremacist anti-Semite who murdered a guard at the National Holocaust Museum²¹, while militant/extremist animal rights organizations, which, as the FBI concedes, have never physically injured a single person in American history, are designated the leading domestic terror threat. Writes Potter, "Focusing scarce anti-terrorism resources on animal rights and environmental activists, while there are clearly domestic groups who have, and will continue, to carry out physical violence, puts all Americans at risk. Perhaps if the government spent less time preparing for attacks by environmentalists, events like this [the deadly 19 February 2010 suicide plane attack on the Austin IRS building] could be prevented."²²

Even the Department of Justice (DOJ) itself has openly criticized the FBI's designation of animal rights activists (and other similar social activist groups) as a domestic terror priority. In a 2003 DOJ audit of the FBI, the DOJ found that the FBI should,

Consider transferring responsibility for investigating crimes committed by environmental, animal rights, and other domestic radical groups or individuals from the Counterterrorism Division to the Criminal Investigative Division, except where a domestic group or individual uses or seeks to use explosives or weapons of mass destruction to cause mass casualties. [...] To the extent that the FBI seeks to maximize its counterterrorism resources to deal with radical Islamic fundamentalist terrorism, WMD, and domestic groups or individuals that may seek mass casualties, we believe that FBI management should consider the benefit of transferring responsibility for criminal activity by social activists to the FBI's Criminal Investigative Division. Although the activities of such groups fall under the FBI's definition of domestic terrorism, a more focused definition may allow the FBI to more effectively target its counterterrorism resources.²³

The disclosure by the FBI of information pertaining to its understanding and handling of pioneering militant animal rights direct action activist Hutto will significantly contribute to expanded public understanding of government operations concerning the designation of domestic terror priorities and the allocation of resources between

¹⁹ <http://www.greenisthenewred.com/blog/joseph-andrew-stack-not-terrorist-irs/2529>

²⁰ <http://www.greenisthenewred.com/blog/tea-party-terrorist/2616/>

²¹ <http://www.greenisthenewred.com/blog/white-supremacist-opens-fire-at-holocaust-museum-terroris-but-will-it-be-labeled-terrorism/2155/>

²² <http://www.greenisthenewred.com/blog/joseph-andrew-stack-not-terrorist-irs/2529/>

²³ Office of the Inspector General, Audit Division, U.S. Department of Justice, "Audit Report 04-10, The Federal Bureau of Investigation's Efforts to Improve the Sharing of Intelligence and Other Information," (Dec. 2003). X, 34.

Also see http://www.greenisthenewred.com/blog/justice-department-warned-fbi/3423/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+GreenIsTheNewRed+%28Green+Is+The+New+Red.com%29&utm_content=Google+Feedfetcher

domestic terror priorities, as well as support the public oversight of government agencies.

Additionally, Hutto was closely associated with the militant direct action animal rights organization Animal Rights Direct Action Coalition (ARDAC). The FBI, as well as representatives of the news media and animal use industries, have long suspected and alleged a direct relationship between ARDAC and the Animal Liberation Front (ALF).²⁴ The ALF is the animal rights organization most explicitly designated by the FBI as the "The No. 1 domestic terrorism threat" in the United States.²⁵ Further, Hutto also worked closely with, and even for a time lived at the offices of, the Animal Liberation Front Supporters Group (ALF SG), long suspected by the FBI to be a front group for the ALF.²⁶

As Hutto was an early and prominent member of ARDAC, and Hutto and his ARDAC pioneered animal rights direct action tactics and strategies in the United States, and the FBI is the leading anti-terrorism agency in the United States, any information held by the FBI pertaining to the veracity of allegations that Hutto and his ARDAC were essentially terrorist fronts will significantly contribute to expanded public understanding of government operations concerning the maintenance of American national security in the face of domestic terrorism. Further, if these allegations against Hutto and ARDAC are in fact fallacious, the disclosure by the FBI of information pertaining to the Bureau's understanding and handling of Hutto will significantly contribute to expanded public understanding of government operations concerning FBI, DOJ, Congressional, and media linkage of above and underground animal protection activists and organizations engaged in non-violent legal and illegal activities for the purpose of classifying and prosecuting non-violent activists as domestic terrorists and potentially violating the civil liberties of protesters in the process.

Further, the FBI's general handling of the animal rights movement itself has become deeply controversial. Prominent newspapers, such as the *Washington Post*, follow the controversies in headlines such as "FBI Papers Show Terror Inquiry Into PETA, Other Groups Tracked."²⁷ Civil liberties oriented bloggers, such as award-winning

²⁴ For FBI speculations/declarations along these lines, see numerous examples in FBI FOIPA release 1143549-000 (Animal Liberation Front, Cases opened 1980-1989).

For example of animal industry/media speculations/declarations along these lines, see <http://www.furcommission.com/news/newsA91.htm>

²⁵ Schuster, Henry. "Who's Most Dangerous?: Eco-terrorists are now above ultra-right extremists on the FBI charts." CNN.com, 24 August, 2005.

²⁶ Personal correspondence between the author and [redacted]. Also see FBI FOIPA release 1143549-000 (Animal Liberation Front, Cases opened 1980-1989).

²⁷ Spencer S. Hsu, "FBI Papers Show Terror Inquiry Into PETA, Other Groups Tracked." *Washington Post*, 20 Dec. 2005. Available online at: <http://www.washingtonpost.com/wp-dyn/content/article/2005/12/19/AR2005121901777.html>

independent journalist Will Potter, report regularly on what they perceive to be the unconstitutional and repressive evils of the what is widely perceived to be the FBI's "political persecution" of the animal rights and environmental movements. Potter views the FBI campaign against animal rights activists to be so corrosive of civil liberties that he directly compares the situation to the Red Scare of McCarthyism, terming the present situation the "Green scare," and naming his blog, and his upcoming book, "Green Is The New Red."²⁸ United States Representative Denis Kucinich (D-OH) concurs, asserting that FBI-led efforts to target animal rights groups and organizations "will have a real and chilling effect on people's constitutionally protected rights," and that such efforts "do nothing to address the real issue of animal protection but, instead targets those advocating animal rights."²⁹

Numerous law journals and legal organizations are also joining the chorus of voices challenging the FBI's campaign against animal rights and environmental activists. For just one example, a 9 March 2007 editorial in the *Vermont Journal of Environmental Law* concluded that a fiercely FBI supported animal rights specific "anti-terror" bill "is an unconstitutional and mean-spirited product of "animal enterprise" lobbying that should be overturned by wise judges [...] or repealed by a Congress which passed this bill through a glass darkly, but then came face to face with compassion."³⁰ Likewise, the American Civil Liberties Union (ACLU) and the National Lawyers Guild strongly oppose FBI efforts to target animal rights and environmental activists as terrorists.³¹ In 2007, the American University Washington School of Law's chapter of the National Lawyers Guild hosted an event titled "The Green Scare! Prosecuting Environmental Activists as Terrorists." The event focused specifically on the threats to free speech and political dissent posed by the FBI's handling of the animal rights movement.³² Yale University recently hosted a nearly identical event, titled, "Green Scare: Redefining 'Terrorism' to Silence Non-violent Animal Rights Activists."³³

Even the Department of Justice itself has demonstrated significant concerns along these lines. Prompted by Congressional concerns about "whether the FBI had improperly targeted domestic advocacy groups for investigation based upon their exercise of First Amendment rights," the Department of Justice's Office of the Inspector General's Oversight and Review Division's September 2010 report "A Review of the FBI's Investigation of Certain Domestic Advocacy Groups" is scathing

²⁸ See GreenIsTheNewRed.com

²⁹ http://www.vjel.org/editorials/ED10050.html#_edn32

³⁰ Ibid.

³¹ <http://www.aclu.org/free-speech/aclu-letter-congress-urging-opposition-animal-enterprise-act-s-1926-and-br-4239>

<http://www.nlg.org/Beyond%20AETA%20White%20Paper.pdf>

³² <http://www.wcl.american.edu/org/guild/events.cfm>

³³ <http://www.greenisthenewred.com/blog/yale-green-scare-event/2970/>

in its assessment of FBI behavior.³⁴ One of the five representative FBI investigations analyzed in detail in this DOJ report is the FBI investigation of prominent animal rights organization People for the Ethical Treatment of Animals (PETA).³⁵ The DOJ report found numerous glaring improprieties committed by the FBI in its investigations of the animal rights organization PETA, PETA leaders and employees, and other American advocacy organizations.³⁶

As detailed above, the FBI's understanding and handling of animal rights activists is at the very heart of multiple linked heated public controversies concerning civil liberties, the conduct of the FBI, free speech, national security, industry influence on government operations, animal protection, and the enactment of federal legislation. The disclosure by the FBI of information pertaining to its understanding and handling of leading militant animal rights direct action pioneer Hutto will significantly contribute to expanded public understanding of government operations concerning all of the above, including the FBI, DOJ, and Congressional linkage of above and underground animal activist organizations engaged in non-violent legal and illegal activities for the purpose of classifying and prosecuting non-violent activists as domestic terrorists and potentially violating the civil liberties of protesters in the process.

ii) Intent and Ability to Disseminate Information:

I firmly intend to analyze the released documents in order to facilitate significant expansion of public understanding of government operations. I am well qualified to perform this analysis

[Redacted]

[Redacted]

³⁴ United States Department of Justice, Office of the Inspector General, Oversight and Review Division, "A Review of the FBI's Investigation of Certain Domestic Advocacy Groups." September 2010. 173.

³⁵ United States Department of Justice, Office of the Inspector General, Oversight and Review Division, "A Review of the FBI's Investigation of Certain Domestic Advocacy Groups." September 2010. 93-124.

³⁶ United States Department of Justice, Office of the Inspector General, Oversight and Review Division, "A Review of the FBI's Investigation of Certain Domestic Advocacy Groups." September 2010.

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As should be clear from the above, I have the ability and firm intention to disseminate to the public significant expansions of understanding of government operations based on analysis of the requested disclosures.

(iii) Disclosure Not Sought Primarily for Commercial Use:

An agency must apply a balancing test to determine whether the public interest is of a greater magnitude than that of the commercial interest of the requester. "A fee waiver or reduction is justified where the public interest standard is satisfied and that public interest is greater in magnitude than that of any identified commercial interest in disclosure." 28 C.F.R. § 16.11(k)(2).

In my case, the results of this balancing test are clear: I am seeking the release of the requested documents primarily for a public interest, not for a commercial use. As detailed above, I am requesting the release of documents to analyze for use in my dissertation, book, scholarly and popular articles, scholarly and popular lectures, and scholarly and popular exhibits. Though scholars do occasionally get paid for

⁵¹ For example, see <http://drstevebest.wordpress.com/2010/12/08/fbi-file-reveals-discussion-of-discrediting-animal-rights-activists-by-planting-rumors/>

⁵² For example, see <http://tprime.info/disinfo-never-dies-fbi-file-reveals-discussion-of-discrediting-animal-rights-activists-by-planting-rumors>

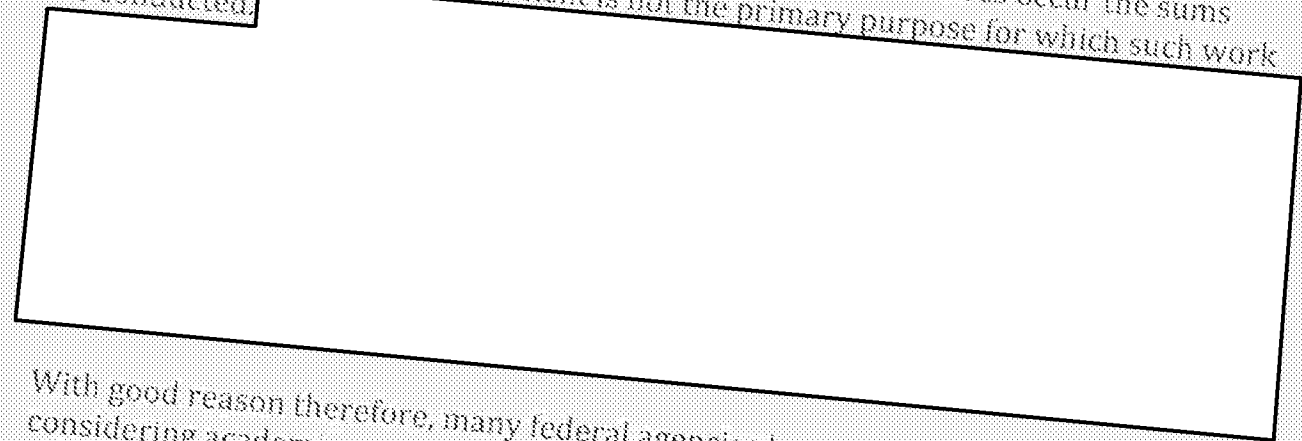
⁵³ For example, see <http://freepeltiernow.blogspot.com/2010/12/cointelpro-never-went-away-fbi-file.html>

⁵⁴ It should also be noted that Facebook is now the single most visited website in the United States. <http://www.brecorder.com/news/it-and-computers/world/1138685:news.html>

⁵⁵ Will Potter, *Green is the New Red: An Insider's Account of a Social Movement Under Siege* (City Lights Publishers, 2011).

some of the above, this is not generally the case, and when it does occur the sums are modest. Most crucially, payment is not the primary purpose for which such work is conducted.

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With good reason therefore, many federal agencies have a default policy of considering academic research inherently non-commercial. For instance, the Department of Defense's website on the Freedom of Information Act states, "scholars writing books or engaged in other forms of academic research, may recognize a commercial benefit, either directly, or indirectly (through the institution they represent); however, normally such pursuits are primarily undertaken for educational purposes, and the application of a fee charge would be inappropriate."⁵⁶

More so, the judicial case histories concerning similar scholarly requests for waivers of fees pertaining to Freedom of Information Act requests solidly support my contention that my request for the release of documents is primarily in the public interest and is not pursuant of primarily commercial ends.

In *Cambell 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 that, "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

⁵⁶ <http://www.dod.gov/pubs/foi/feewaiver.html>

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 documents from the FBI pertaining to investigations of members of a dissident political group, the court noted, "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 release of documents is in crucial ways identical to the situations described in the case law above. I seek documents 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 documents will significantly benefit the public interest, and this benefit to the public is of vastly greater magnitude than my minimal commercial interest.

Additionally, as also detailed in *Ettlinger v. FBI*, 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:

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* 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.*

As discussed in considerable detail above, the release of records stemming from this request will significantly contribute to significant expansion of public understanding of government operations concerning vital issues at the very highest levels of public interest in American governmental operations and the regulation thereof. Further, the information contained in the intended release is not available elsewhere and can only be obtained through the requested release. *For these reasons, and in keeping with former United States Attorney General Civiletti's instructions concerning scholars who are engaged in significant historical research, I request that a "complete rather than partial waiver" of duplication and search fees be granted.*⁵⁷

iv) 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).

⁵⁷ *Ettlinger v. FBI*, 596 F. Supp. 867, 874 (D. Mass. 1984).

Additionally, the courts have been equally clear that, in order to satisfy this public interest requirement, "the public" to be benefitted by a release of information 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 above substantially demonstrated that the population groups (scholarly and otherwise) significantly benefited by my analysis of the requested release are far larger than me alone. As such, I have more than satisfied the requirement for a fee waiver.

v) Additional Note on Journalistic 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 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 above, I clearly satisfy this description.

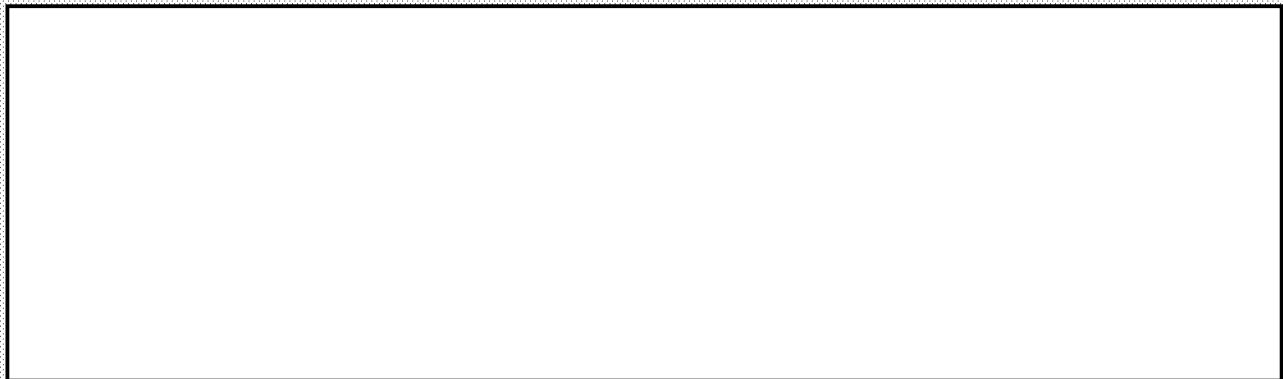
Further, the OPEN Government Act of 2007's definition of "a representative of the news media" is taken nearly verbatim from language used by the United States Court of Appeals, District of Columbia Circuit in the court's 1989 FOIA fee waiver-oriented ruling in *National Security Archive v. Department of Defense*.⁵⁸ As the court

⁵⁸ The language in *National Security Archive v. Department of Defense* reads, "A representative of the news media is, in essence, a person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn raw materials into a distinct work, and distributes that work to an audience." *National Security Archive v. Department of Defense*, 880 F.2d 1381, 1387 (D.C. Cir, 1989).

also relatedly found in *National Security Archive v. Department of Defense*, a requester need not already have published numerous works in order to qualify as a representative of the news media. The court found that the express "intention" to publish or disseminate analysis of requested documents amply satisfies the above noted requirement for journalists to "publish or disseminat[e] information to the public." *National Security Archive v. Department of Defense*, 880 F.2d 1386, (D.C. Cir, 1989). As detailed herein, I have already publicly disseminated significant analysis of documents obtained through FOIPA requests and other research methodologies. I have demonstrated my ability to continue disseminating significant analysis of documents obtained through FOIPA requests and other research methodologies. And I have expressed a firm intention to continue disseminating significant analysis of documents obtained through FOIPA requests and other research methodologies

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." As such, I have again more than satisfied the requirement for a fee waiver.⁵⁹

vi) Letter of Support, Historical:



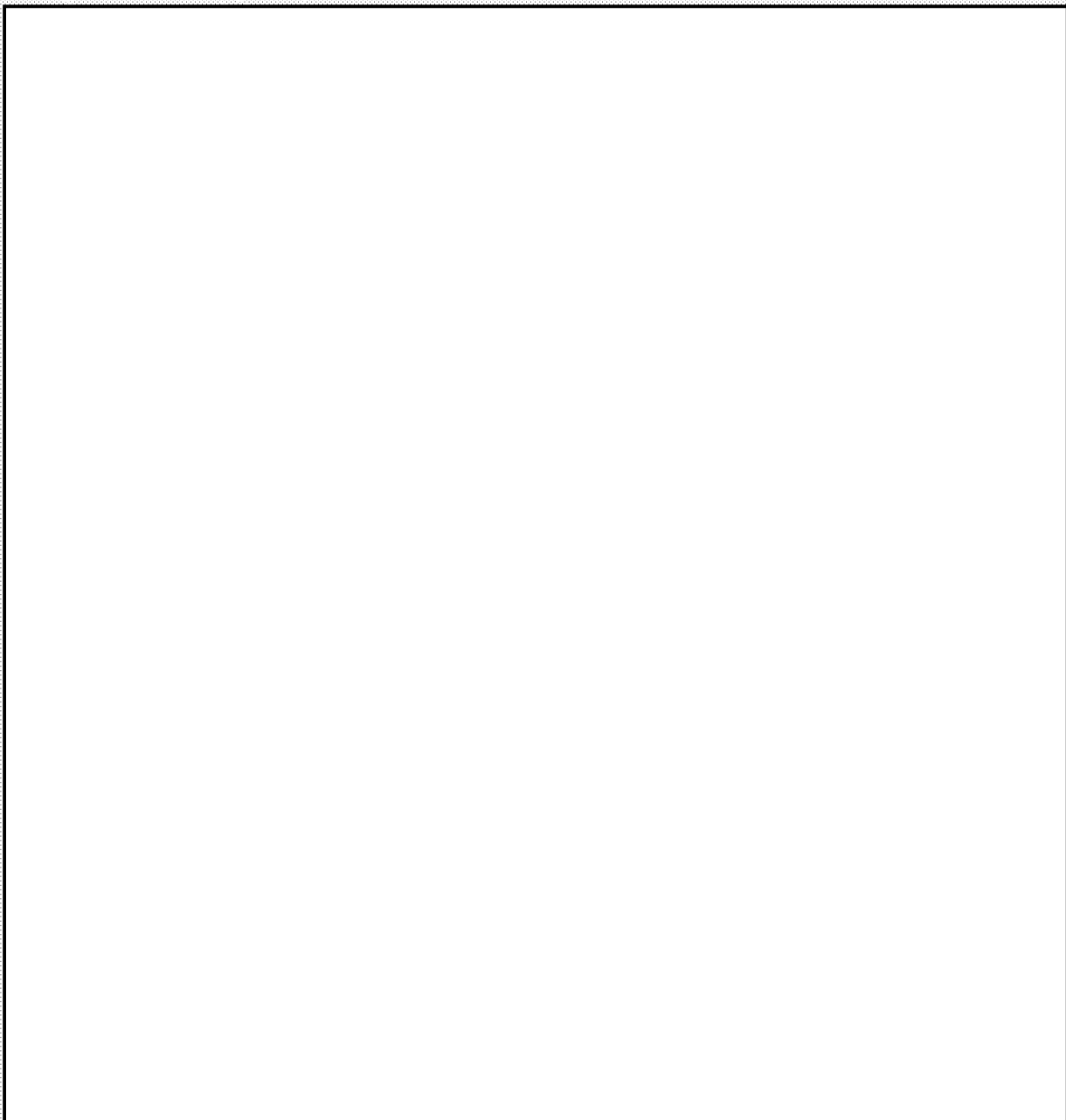
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⁵⁹ Though the courts have subsequently narrowed the applicability of the *National Security Archive v. Department of Defense* ruling in terms of requirements to qualify as a representative of the news media (most notably in *Judicial Watch, Inc. v. 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. I have identified articles, an exhibit, and a book within which I firmly intend to, and in some cases already have, disseminate(d) my analysis of requested information. I have identified another news media representative whom I have already fruitfully provided my analysis of requested information, and with whom I firmly intend to continue collaborating on future dissemination of requested information. Ultimately, in contrast to *Judicial Watch*, which the court found to "merely make available [] the requested information," I have established "a firm intention to disseminate" my analysis of the requested information. See *Judicial Watch, Inc. v. United States Department of Justice*, 185 F Supp. 2d 54, 59 (D.D.C. 2002).

⁶⁰ *Ettlinger v. FBI*, 596 F. Supp. 867, 875 (D. Mass. 1984).

vii) Letter of Support, Journalistic:

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⁶¹ *Ettlinger v. FBI*, 596 F. Supp. 867, 875 (D. Mass. 1984).

⁶² <http://www.greenisthenewred.com/blog/bio/>

⁶³ <http://www.greenisthenewred.com/blog/bio/>

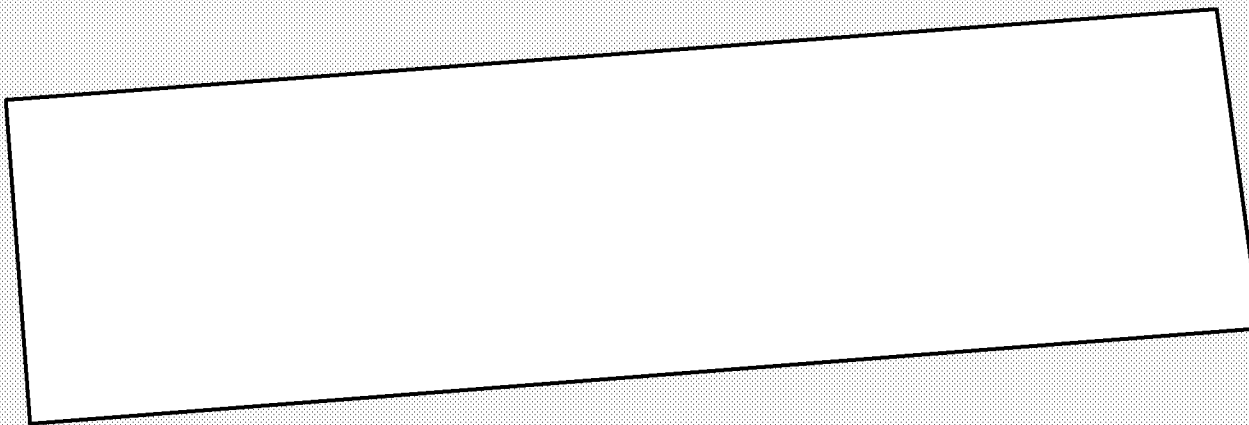
⁶⁴ <http://www.google.com/search?client=safari&rls=en&q=%22The+FBI+and+a+previously-unknown+informant+in+the+animal+rights+movement+%22&ie=UTF-8&oe=UTF-8>

⁶⁵ For example, see <http://www.animalrightszone.com/2005/animal-rights-movement/rights/&query=fbi+>

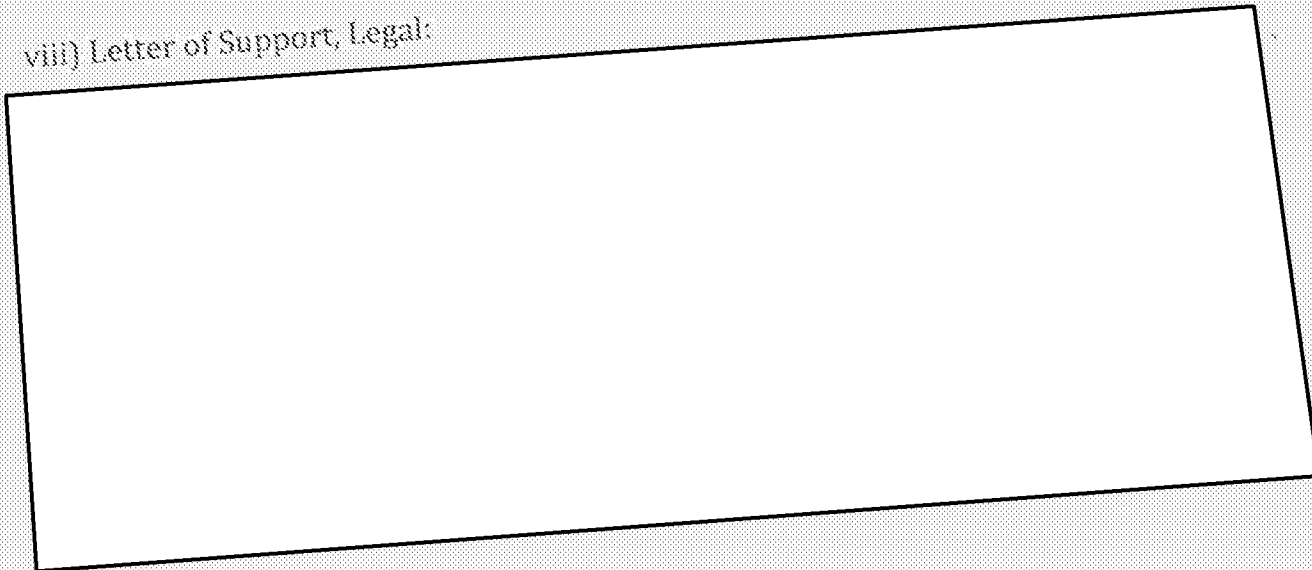
⁶⁶ For example, see <http://drstevebest.wordpress.com/2010/12/08/fbi-file-reveals-discussion-of-discrediting-animal-rights-activists-by-planting-rumors/>

⁶⁷ For example, see <http://tprime.info/disinfo-never-dies-fbi-file-reveals-discussion-of-discrediting-animal-rights-activists-by-planting-rumors>

⁶⁸ For example, see <http://freepeltiernow.blogspot.com/2010/12/cointelpro-never-went-away-fbi-file.html>



viii) Letter of Support, Legal:



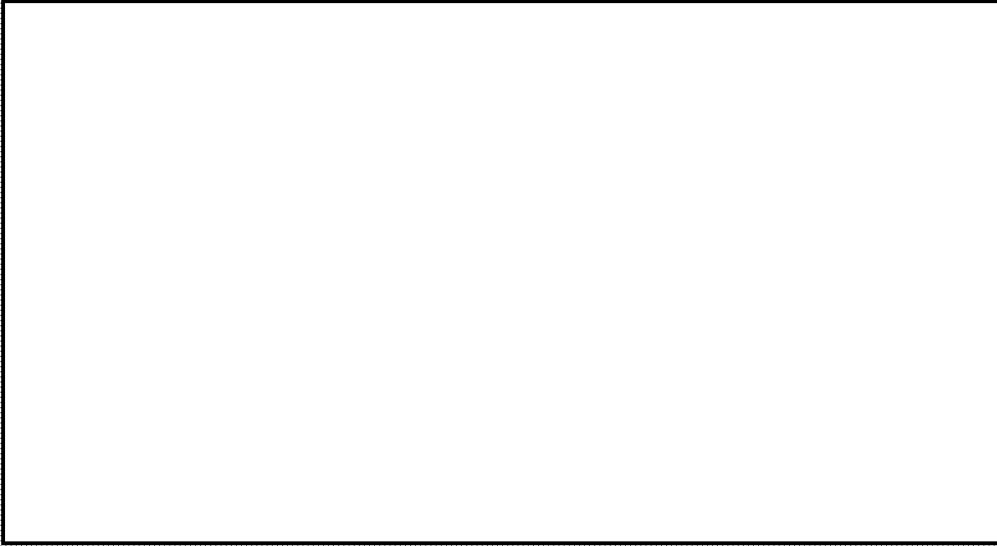
In summation, the disclosure of the requested information will significantly contribute to expanded public understanding of government operations and activities. I have the firm intention and ability to disseminate this significant expansion of public understanding of government operations and activities. The public interest in this significant expansion of public understanding of government operations and activities far outweighs any commercial interest of my own. Accordingly, my request for a full waiver of fees amply satisfies the rules of 28 C.F.R. § 16.11(k)(2). Legislative history and judicial authority emphatically support this determination. For these reasons, and based upon their extensive elaboration above, I request that a full waiver of search and duplication fees for my FOIPA request for any and all information relating or referring to Hutta be granted. I will appeal any denial of this request for a waiver of fees to the Department of Justice's Office of Information Policy, and to the courts if necessary.

⁶⁹ <http://www.greenisthenewred.com/blog/fbi-file-reveals-discussion-of-discrediting-animal-rights-activists-by-planting-rumors/3282/>

⁷⁰ *Ettlinger v. FBI*, 596 F. Supp. 867, 875 (D. Mass. 1984).

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

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Publication: The Register-Guard (Eugene, OR)
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Date: Apr 24, 2003
Words: 1899
Previous Article: Crash kills Eugene woman
Next Article: Scoreboard

Link to this page

Byline: The Register-Guard

D. Jean LaDuke

SPRINGFIELD - A private service will be held for D. Jean LaDuke of Springfield, who died April 18 of age-related causes. She was 81.

LaDuke was born Jan. 12, 1922, in Acme, Ore., to Robert and Josephine Southworth Mills. She married Blaise LaDuke in Eugene on Aug. 10, 1939. He died May 11, 1994.

She graduated from Siuslaw High School in 1939. A lifetime resident of this area, she lived in Cushman for 38 years before settling in Springfield. She was a homemaker, and her interests included raising orchids, gardening, reading, playing cards, camping and having picnics. She served as a room mother and as a Cub Scout, Boy Scout and Girl Scout leader.

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Survivors include a son, John of Jasper; a daughter, Sharon Waite of Florence; two sisters, Mary Lou Earle of Cushman and Betty Jo Anderson of Oxnard, Calif.; six grandchildren; and five great-grand-children.

Entombment will be at Springfield Memorial

Cambridge Mom's Teeth Trick
Mom discovers one simple trick to turn yellow teeth white for under \$4
Cambridge Mom Makes \$88/hr Online
We investigated How She Makes \$8,000/Month. You Won't Believe How...
Dermatologists Hate Her!
Local Mom Reveals \$5 Trick To Erase Wrinkles. Shocking Results Exposed!

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documentary of the city's history.

Survivors include two sons [redacted] and [redacted] both of Carmel, Calif.; three grandchildren; and two great-grandchildren.

No service is planned. Musgrove Family Mortuary in [redacted] is making arrangements. Memorial contributions may be made to Greenhill Humane Society.

Joseph Rorer

Joseph G. Rorer of Corvallis, formerly of Springfield, died April 4 of age-related causes. He was 98.

Rorer was born Feb. 23, 1905, in Albany to Joseph and Anna Cernac Rorer.

He worked as a teacher for 42 years and taught industrial arts for the Springfield School District. He lived in Springfield for 55 years before moving to Corvallis in 2001.

His interests included rockhounding and lapidary, and he and [redacted] were members of various Springfield and Eugene rock clubs. He was a longtime member of the Liberty Lodge.

Survivors include a son, [redacted], two daughters, [redacted] and [redacted]; seven grandchildren; and nine great-grandchildren.

No service is planned. Private burial will be at Springfield Memorial Gardens. McHenry Funeral Home in Corvallis is making arrangements.

Henry Hutto

A memorial service and Native American ceremony will be held April 26 for Henry Stewart Hutto of Eugene, who died April 19 at age 49. His family chose not to list the cause of death.

Hutto was born Sept. 17, 1953, in Detroit, Mich., to Henry and Patricia Morgenstern Hutto.

He received a bachelor's degree in wildlife ecology from the University of Florida and was self-employed. He lived in this area for 26 years.

He was a member of Earth First!, the People for the Ethical Treatment of Animals and the New England Anti-Vivisection Society. He was an avid reader, and his interests included hiking, mountain climbing and animal welfare. He enjoyed helping his friends.

Survivors include his parents of Tampa, Fla.; a brother, [redacted] of Richmond, Va.; and a sister, [redacted] of Greensboro, N.C.

Visitation will be held from 5 p.m. to 7 p.m. today at Musgrove Family Mortuary in Eugene. Saturday's service and ceremony will be held from 1 p.m. to 2 p.m. at Mount Pisgah Arboretum. His ashes will be buried at Waldo Lake.

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Memorial contributions may be made to the Henry Hutto Low-income Animal Veterinarian Fund at the Oregon Community Credit Union.

Judith Blalock

PLEASANT HILL - A memorial gathering will be held May 11 for Judith May "Judy" Blalock of Pleasant Hill, who died April 2 of liver failure. She was 48.

Blalock was born Nov. 17, 1954, in San Diego to Gordon and Lucille Johnson. Her husband of 16 years, William Blalock, died March 25, 1994.

She graduated from high school in California. She worked as a bookkeeper and as a secretary. She moved to this area 23 years ago, and she enjoyed going to the lake and spending time with her children.

Survivors include her parents of Yreka, Calif.; a son, [redacted] of Springfield; a daughter, [redacted] of Pleasant Hill; a brother, [redacted] of Yreka; and a sister, [redacted] of Montana.

The memorial gathering will be held from noon to 3 p.m. May 11 at the Lowell Marina, Rest-Haven Memorial Park & Funeral Home in Eugene is in charge of arrangements.

Calvin Corneau

Calvin James Corneau of Eugene died April 8 of respiratory failure. He was 72.

Corneau was born Sept. 18, 1930, in Bristol, N.H., to Fred and Sadie Carpenter Corneau. He married Masako "Margie" Makamichi in Japan on March 23, 1959. She died Sept. 30, 2002.

He served in the Army from 1952 until 1972. He lived in this area for 25 years and worked as a postal clerk for the U.S. Postal Service for 14 years.

He enjoyed gardening, bowling and storytelling.

Survivors include two sisters, [redacted] of Plymouth, N.H., and [redacted] of Pensacola, Fla. A daughter, Penny Corneau, died Jan. 30, 1982.

No service is planned. Wilson's Chapel of the Roses in Roseburg is in charge of arrangements.

Francis Chapen

SPRINGFIELD - A celebration of life will be held May 3 for Francis E. "Bud" Chapen of Springfield, who died April 22 of age-related causes. He was 81.

Chapen was born April 29, 1921, in Bonner's Ferry, Idaho, to Bryce and Georgia Ellis Chapen. He married [redacted] in Oklahoma on Aug. 22, 1943.

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05/31/11

Freedom of Information and Privacy Acts request for information on a living person: [redacted]

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To: Federal Bureau of Investigation
Record/Information Dissemination Section

This letter constitutes a formal request under the U.S. Freedom of Information and Privacy Acts (5 U.S.C. §552) and the regulations promulgated thereunder.

REQUESTER INFORMATION:

[redacted]

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Information Sought:

I request disclosure of any and all records that were prepared, received, transmitted, collected and/or maintained by the FBI, the National Joint Terrorism Task Force, or any Joint Terrorism Task Force relating or referring to the living person [redacted]

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Name: [redacted]
Date of Birth: [redacted]
Place of Birth: [redacted]
Current address: [redacted]
Social Security #: [redacted]

Attached please find [redacted] **Privacy Waiver and Certification of Identity.**

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Request for FBI Headquarters, Field Office, and Task Force Office Searches:

I request that a complete and thorough search for any and all materials relating or referring to [] be conducted in any and all indices, filing systems, and locations pertaining to any and all materials prepared, received, transmitted, collected and/or 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.

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Request for Main File and Cross-Reference searches:

I request that a search of all main file *and cross-reference* indices and indexes, as well as of all electronic and manual indices and indexes, be conducted for materials relating or referring to []

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This request includes, but is not limited to, documents, reports, memoranda, letters, electronic files, "See Also" files, "Do Not File" files, "Official & Confidential" files, numbered and lettered subfiles, 1A envelopes, enclosures behind files (EBF's), "Personal & Confidential" files, photographs, audio tapes & videotapes, electronic or microphone surveillance (ELSUR or MISUR), or photographic surveillance, "JUNE" files, "Obscene" Files, "Subversive" Indexes, Bulky Exhibits, control files, mail covers, trash covers; and any index citations relating to [] or referencing [] ("see also") in other files. I request that all records be produced with the administrative markings and that all reports include the administrative pages.

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Please search *all* of your indices and indexes and interpret this request broadly.

Request for ELSUR, MISUR, and FISUR searches:

As part of the above request, I request that a search of all electronic, microphone, and physical surveillance indices and indexes for any and all records relating or referring to [] be conducted.

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Request for electronic and paper searches:

As part of the above request, I request that a search of all electronic and paper records for any and all materials relating or referring to [] be conducted.

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Request for Additional Included References:

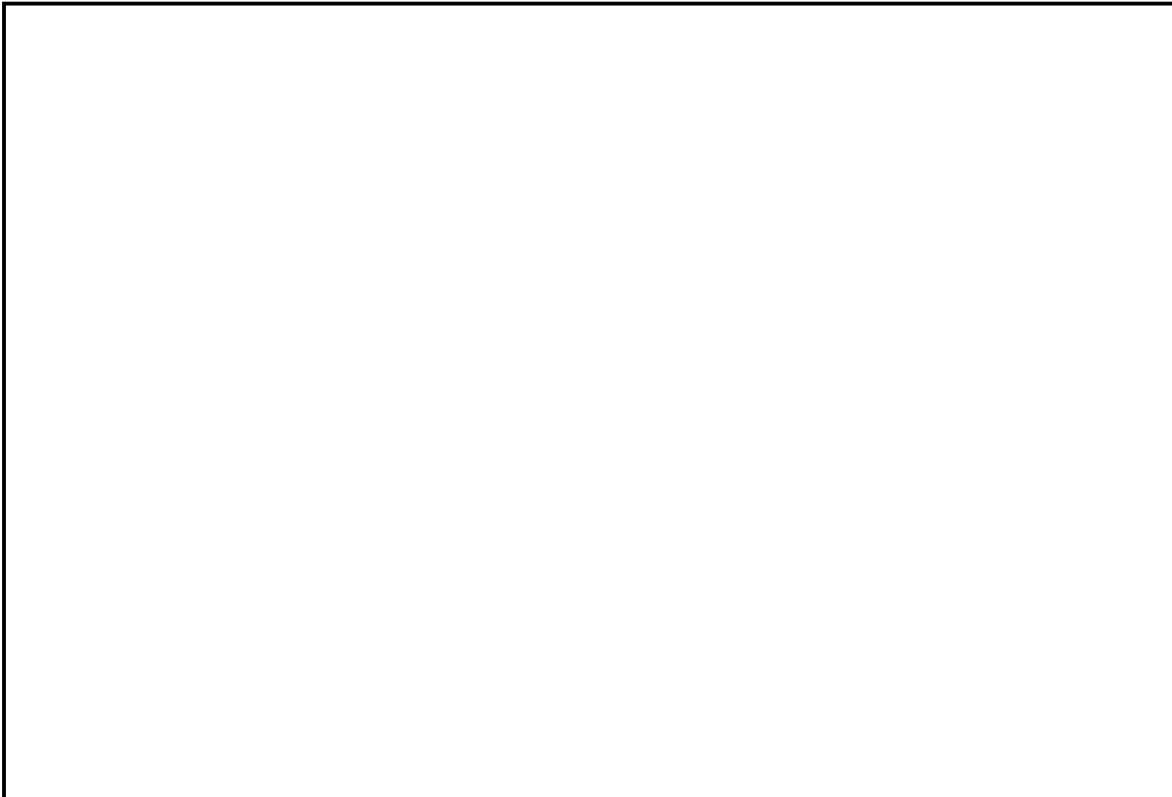
As part of the above request, I request that any references to the below living and deceased individuals contained in the above-requested release [] be provided to me unredacted. These below individuals have all provided me with signed

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privacy waivers pursuant of this end, or I have obtained obituaries for them. I submitted copies of the vast majority of these privacy waivers and obituaries in my 26 May 2011 FOIPA request to the FBI for information on myself [redacted] [redacted] I submitted the remainder in my 30 May 2011 FOIPA request to the FBI for information on [redacted]. Please use these previously submitted privacy waivers and obituaries in processing this present FOIPA request [redacted]

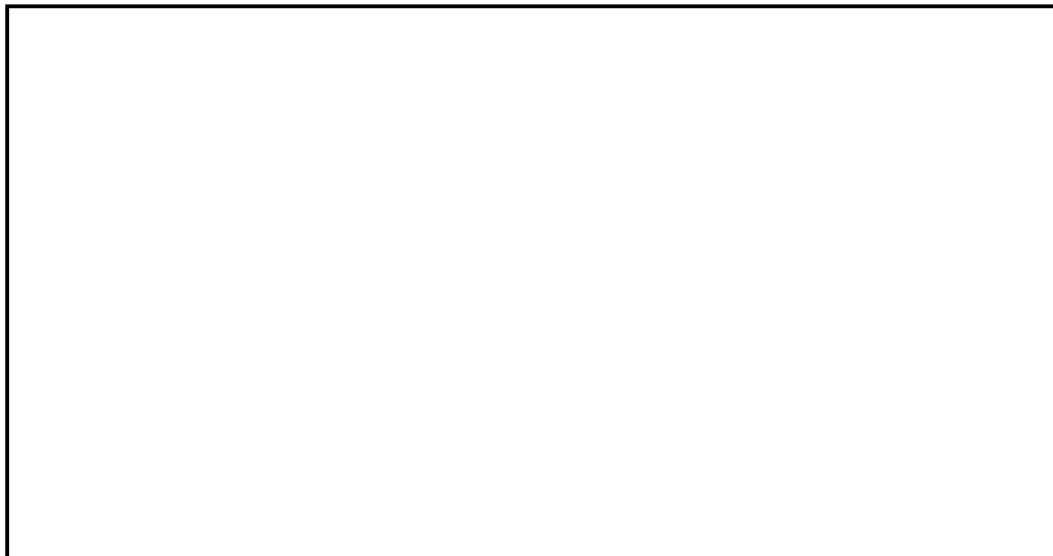
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-Amory, Cleveland (1917-1981)



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-Cate, Dexter L. (1943-1990)



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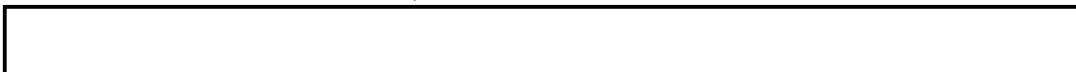
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-Herrington, Alice (ca. 1919-1994)



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-Hutto, Henry (1953-2003)



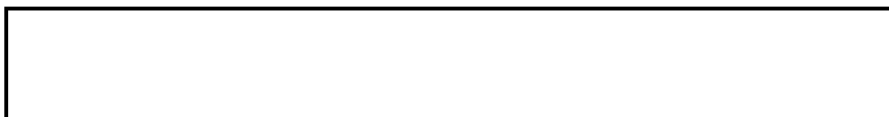
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-Jones, Helen (?-1998)

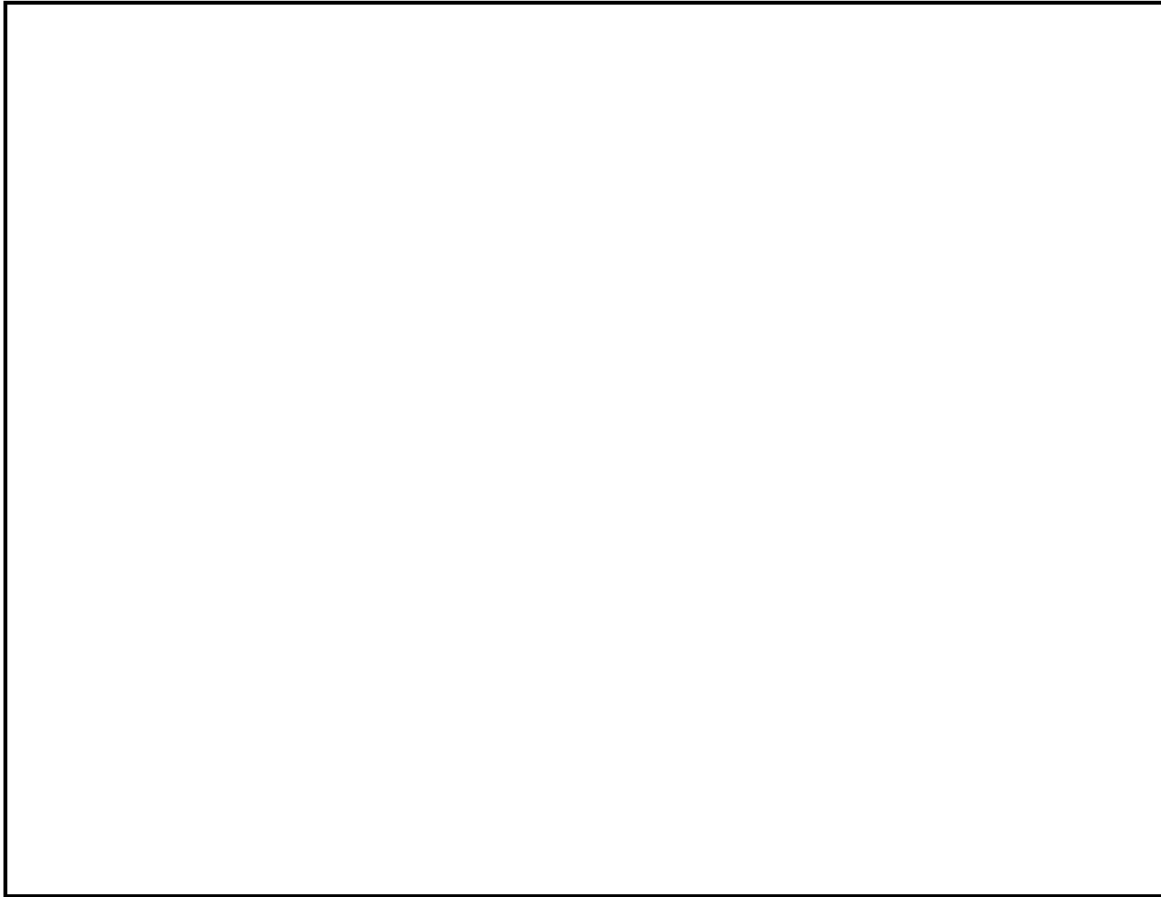


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-Myers, Fred (1904-1963)

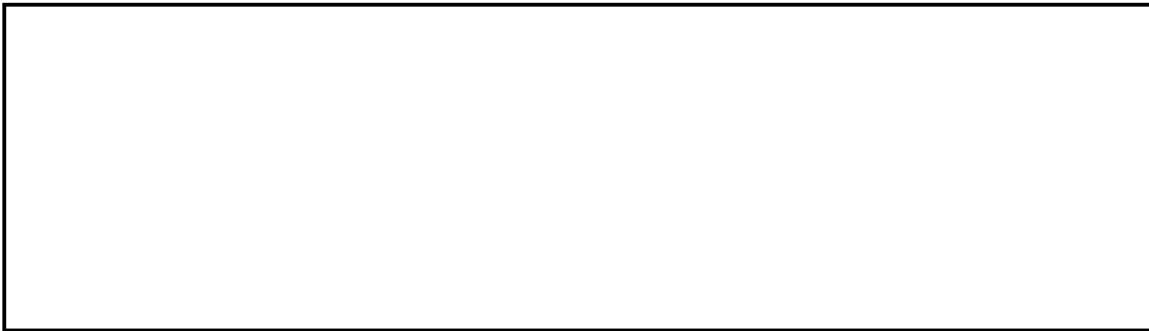


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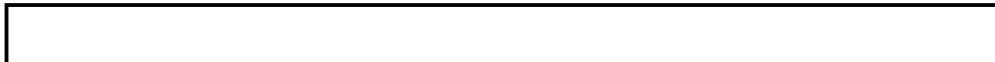
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-Seiling, Eleanor (ca. 1907-1985)



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-Spira, Henry (1927-1998)



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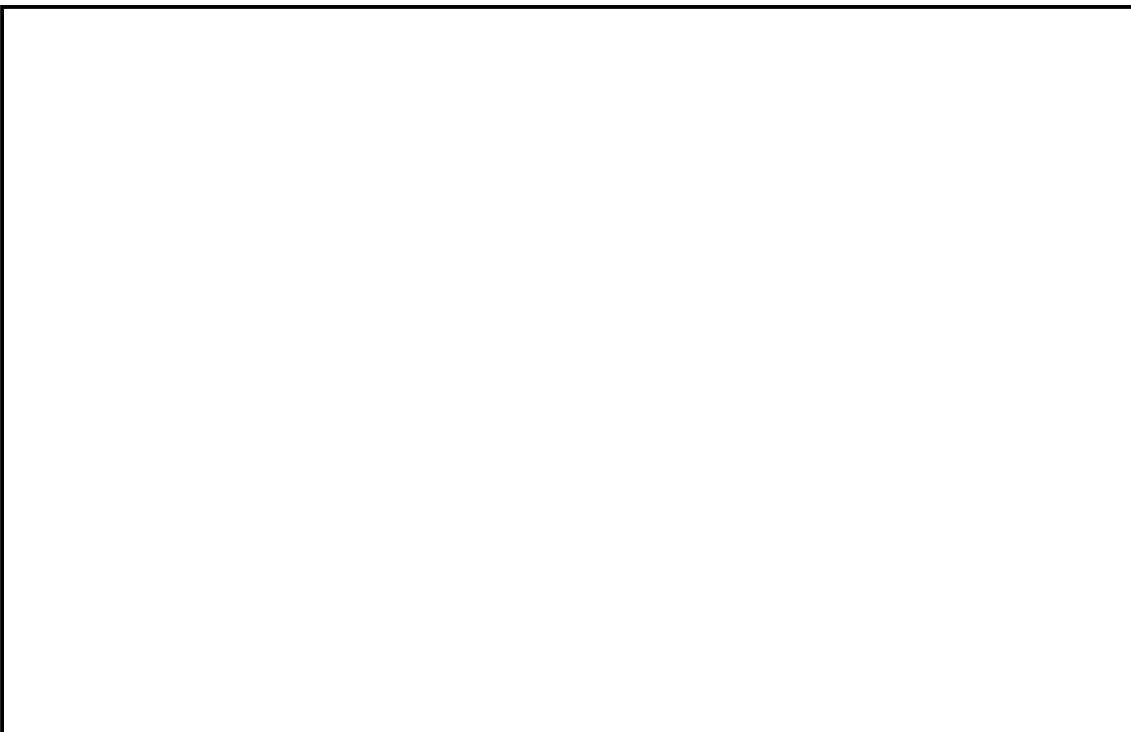
-Stewart, Leslie (1936-2009)



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-Troen, Roger (1931-2008)



Request for FOIA Search Slip:

As part of the above request, I request that a copy of the **FOIA Search Slip** generated as a result of this request be provided to me.

Exemptions:

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.

In excising material, please "black out" the material rather than "white out" or "cut

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out." I expect, as provided by FOIA, that the remaining non-exempt portions of 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.

Format:

I request that any releases stemming from this request be provided to me in digital format on a compact disk or other like media.

Additionally:

Please place any "missing" files pertaining to this request on "special locate" and advise me that you have done this.

Please send a memo (copy to me) to the appropriate units in your office to assure that no records related to this request are destroyed. Please advise of any destruction of records and include the date of and authority for such destruction.

Payment:

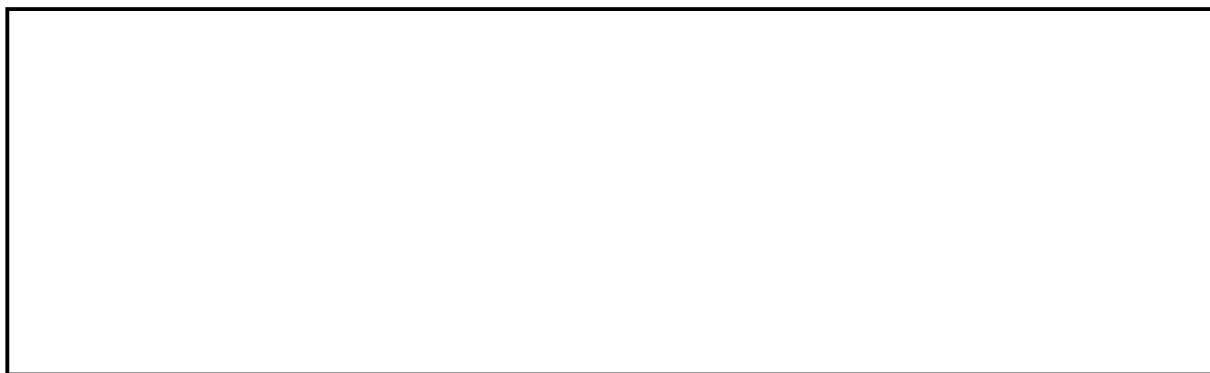
I am willing to pay any reasonable expenses associated with this request, however, as the purpose of the requested disclosure is in full conformity with the statutory requirements for a waiver of fees, I formally request such a waiver. I request a waiver of all costs pursuant to 5 U.S.C. §552(a)(4)(A)(iii) ("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.'").

As detailed below, 1) The subject of the requested records concerns the operations of government. 2) The disclosure of the requested information is likely to significantly contribute to greater understanding of government operations. 3) The disclosure of the requested information will significantly contribute to greater

public understanding of government operations. 4) I have the ability and intention to disseminate said information to the public. 5) My dissemination of the requested information will contribute significantly to expanded public understanding of government operations.

i) Disclosure of Documents Will Significantly Contribute to Public Understanding of Government operations:

The disclosure of the documents I requested is in the public interest because the information is likely to contribute significantly to public understanding of the operations or activities of government and is not primarily in my commercial interest. 28 C.F.R. § 16.11(k)(2). As stated in the legislative history, "A requester is likely to contribute significantly to public understanding if the information disclosed is new; supports public oversight of agency operations; or otherwise confirms or clarifies data on past or present operations of the government." 132 Cong. Rec. H9464 (Reps. English and Kindness). This request amply satisfies these requirements.



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The animal rights movement is a major American social and political movement that is daily engaged in heated controversies with government agencies. It is one of the most controversial and quickly growing social movements in the United States, and volumes upon volumes of new scholarly and popular literature on the animal rights movement are produced each year. Even the most cursory investigation demonstrates the tremendous general public interest, as well as scholarly interest, in the animal rights movement. A quick search for "animal rights" on Google.com yields "about 3,950,000" results. An Amazon.com "book search" for "animal rights" yields 1,512 results. And a search for "animal rights" on the scholarly article search engine JSTOR yields 4,104 results. Even the FBI's own website yields dozens upon dozens of search results for "animal rights."¹

The FBI is the leading law enforcement and domestic counter-terrorism governmental agency in the United States. As with the animal rights movement, even the most cursory of investigations demonstrates the tremendous general

¹ Searches conducted on 29 May 2010.

public interest, as well as scholarly interest, in the operations of the FBI. A quick search for "Federal Bureau of Investigation" on Google.com yields "about 2,600,000" results. An Amazon.com "book search" for "Federal Bureau of Investigation" yields 1,480 results. And a search for "Federal Bureau of Investigation" on the scholarly article search engine JSTOR yields 4,611 results.² In particular, the FBI's investigations of, and at times campaigns against, American social justice and advocacy organizations remain among the most controversial of FBI and domestic U.S. governmental operations.³

As my research demonstrates, the FBI has played a profound, shifting, and deeply controversial role in the evolution of the animal rights movement and its efforts to protect animals. Relatedly, and as discussed in part below, the animal rights movement has played a profound, shifting, and deeply controversial role in the evolution of the FBI's understanding of its own mission. Further, the often hidden intersections of the animal rights movement and FBI operations have played profound, shifting, and again deeply controversial roles in defining the meanings and limits of "terrorism," "national security," and "free speech" in the United States.

To date, almost no scholarly information, and little other information, is available to scholars or the broader public on these vital issues. Further, the little information on these matters that is currently available to scholars and the broader public is almost entirely based upon press articles, interviews with activists, and to a lesser extent, court records. Virtually none of this already minimal information builds upon the internal records of the FBI. FBI records pertaining to the Bureau's understanding and handling of the animal rights movement contain vital information on these matters that is not available through any other sources.⁴ As such, these highly controversial

² Searches conducted on 9 March 2011.

³ This point is explored further below. However, for further evidence of the consistently controversial nature of FBI operations concerning American social justice and advocacy organizations, one need look no further than popular and scholarly attention to COINTELPRO (Counter Intelligence Program), the FBI's infamous 1950s-1970s assaults on the civil liberties of American advocacy organizations. A quick search for "COINTELPRO" on Google.com yields "about 362,000" results. An Amazon.com "book search" for "COINTELPRO" yields 111 results. And a search for "COINTELPRO" on the scholarly article search engine JSTOR yields 272 results. (Searches conducted on 9 March 2011). Further, the FBI's understanding and handling of the animal rights movement is increasingly compared to COINTELPRO. (For example, see GreenIsTheNewRed.com). My research directly examines these connections. Already, and as discussed below, FBI documents obtained by me through FOIA requests, and my analysis of these documents, have been used by an award-winning journalist to highlight the similarities between the FBI's COINTELPRO program and its current handling of the animal rights and environmental movements. See <http://www.greenisthenewred.com/blog/fbi-file-reveals-discussion-of-discrediting-animal-rights-activists-by-planting-rumors/3282/>

⁴ Scholarly analysis of FOIA-obtained FBI records is a well-accepted research methodology. 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

topics concerning government operations, national security, and free speech are not only grossly under-examined, but the few examinations that even begin to touch upon them neglect to examine the key sources that would by far shed the most light upon the nature and evolution of the FBI's deeply consequential and controversial understanding and handling of the animal rights movement. Pursuant of correcting these vast gaps in public understanding of government operations, I have requested through the Freedom of Information Act, and will continue to request, information held by the FBI pertaining to key individuals, organizations, and events related to the FBI's role in animal use and protection conflicts from the pre-World War II period to the present. As detailed below, the disclosure of information held by the FBI pertaining to its understanding and handling of [REDACTED] will significantly contribute to my research into the intersections of the animal rights movement and FBI operations, and as such will significantly contribute to expanded public understanding of government operations, as well as support the public oversight of government agencies.

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[REDACTED] is a leading militant direct action animal rights activist. [REDACTED] has repeatedly engaged in and advocated acts of "direct action" in the name of animal rights.⁵

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The FBI is unambiguous about the significant public importance of the militant/extremist animal rights movement, and especially of the movement's direct action tactics employed by activists such as [REDACTED]. Further, the FBI is especially unambiguous about the even greater significant public importance of the FBI's own

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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). And, while I am the first scholar to systematically request and analyze FBI documents pertaining to the Bureau's understanding and handling of the animal rights movement, for an example of scholarly analysis of Canadian Access to Information Act-obtained intelligence agency records pertaining to Canadian governmental suppression of animal rights activists, see Kevin Walby and Jeffrey Monaghan's "Private Eyes and Public Order: Policing and Surveillance in the Suppression of Animal Rights Activists in Canada," *Social Movement Studies* (Vol. 10, No. 1, 21-37. January 2011).

⁵ Personal communication of author with [REDACTED]

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⁶ For one example among many, see Deputy Assistant Director, Counterterrorism Division, FBI, John E. Lewis, "Addressing the Threat of Animal Rights Extremism and Eco-Terrorism." Testimony before United States Senate Committee on Environment and Public Works. 18 May 2005. Available online at: <http://www.fbi.gov/news/testimony/addressing-the-threat-of-animal-rights-extremism-and-eco-terrorism/?searchterm=%22animal%20rights%22>

handling of the militant/extremist animal rights movement and its associated direct action techniques. Even a quick search for "animal rights" on the FBI's own webpage reveals dozens of hits with titles such as "Addressing the Threat of Animal Rights Extremism and Eco-Terrorism" (Senate testimony), "Animal Rights Extremism and Ecoterrorism" (Senate testimony), and "Investigating and Preventing Animal Rights Extremism" (Senate testimony).⁷ The special significance of "direct action" animal rights tactics, such as those employed and advocated by [redacted] are repeatedly singled out by the FBI in the above testimony and throughout the search results for "animal rights" on the FBI website.⁸ Indeed, as of 2005, FBI Deputy Assistant Director John Lewis asserted, "The No. 1 domestic terrorism threat is the eco-terrorism, animal-rights movement[.]"⁹

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Given that the FBI itself repeatedly and insistently affirms the significant public threat to American national security posed by militant/extremist animal rights activists and their direct action tactics, and the even greater public significance of the FBI's aggressive and much-touted responses to militant/extremist animal rights activists and their direct action tactics, the disclosure by the FBI of information pertaining to its understanding and handling of the militant animal rights direct action activist [redacted] will significantly contribute to expanded public understanding of government operations concerning the maintenance of American national security in the face of domestic terrorism.

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Relatedly, the significant public interest in the disclosure of information pertaining to the FBI's understanding and handling of [redacted] is further supported by the existence of an ongoing public controversy over the FBI's designation of the militant animal rights and environmental movements as "The No. 1 domestic terrorism threat" faced by the United States today.¹⁰ Given, as the FBI concedes, that no animal rights or environmental organization has ever physically injured a single person in the movements' decades of existence in the United States, many persons and organizations from across the political spectrum have openly questioned the merit and wisdom of designating the animal rights movement as the leading domestic terror threat.¹¹

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For example, Henry Schuster, a senior producer in CNN's investigative unit who has covered terrorism for CNN for over a decade, wrote a 24 August 2005 article for CNN.com titled, "Who's Most Dangerous?: Eco-terrorists are now above ultra-right

⁷ <http://www.fbi.gov/search?SearchableText=%22animal+rights%22>

⁸ <http://www.fbi.gov/search?SearchableText=%22animal+rights%22>

⁹ Schuster, Henry. "Who's Most Dangerous?: Eco-terrorists are now above ultra-right extremists on the FBI charts." CNN.com, 24 August, 2005.

See also, "Associated Press. "FBI surprise on top Domestic Terror Threat: It's not abortion foes or Klan, but animal and eco-extremists." MSNBC.com, 19 May 2005.

¹⁰ Schuster, Henry. "Who's Most Dangerous?: Eco-terrorists are now above ultra-right extremists on the FBI charts." CNN.com, 24 August, 2005.

¹¹ *Ibid.*

extremists on the FBI charts."¹² In this article, CNN's Schuster is highly critical of the FBI's decision to designate the animal rights movement as more dangerous to the United States than right-wing militia groups and violent racist organizations with long histories of extreme violence against persons and murder.

Especially vocal on this point, and quoted at length in Schuster's article, is Mark Potok of the Southern Poverty Law Center, a leading civil rights organization that has tracked hate crimes and violent extremism in the United States for decades. Though no fan of the animal rights movement, Potok is adamant that, "It is simply ludicrous to describe animal rights and eco-terrorism as the No. 1 threat. [...] It is difficult to understand how the leaders of our major national security organizations can see it this way."¹³ According to Schuster, "Potok thinks politics is behind the decision: Political pressure from the White House and conservative Republicans toward the environmental movement is, in part, the reason eco-terrorism is now the priority, he said."¹⁴

Both CNN's Henry Schuster and the Southern Poverty Law Center's Mark Potok are deeply concerned by the ramifications of what they perceive to be the FBI's political rather than security-oriented criteria for calculating America's domestic terror priorities. Asserts Schuster, "[I]f you are the FBI or Department of Homeland Security, your domestic terror priority drives how finite resources are allocated -- especially when so much attention and money is focused on al Qaeda and international terror."¹⁵ Follows Potok, "My worry is that, [because of the political designation of animal rights organizations as America's leading domestic terror threats,] just as in the years running up to the Oklahoma City bombing, ... we will ignore a world of violence emanating from our own extreme right."¹⁶

Similarly, award-winning independent journalist Will Potter¹⁷ regularly invokes the FBI's designation of animal rights organizations as the nation's leading domestic terror threats as evidence of widespread political exploitation of post 9-11 concerns over domestic terrorism.¹⁸ For example, Potter questions the wisdom, legitimacy, and consequences of FBI priorities that classify as "not terrorists" individuals and organizations including a tax protester who flew a plane into an IRS building in Texas¹⁹, militia members who incited brick attacks on lawmakers' offices²⁰, and a

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ <http://www.greenisthenewred.com/blog/bio/>

¹⁸ For three (of many) examples of Potter's treatment of the issue, see:

<http://www.greenisthenewred.com/blog/video-number-one-domestic-terrorism-threat/2651/>

<http://www.greenisthenewred.com/blog/tea-party-terrorist/2616/>

<http://www.greenisthenewred.com/blog/joseph-andrew-stack-not-terrorist-irs/2529/>

<http://www.greenisthenewred.com/blog/green-scare/>

¹⁹ <http://www.greenisthenewred.com/blog/joseph-andrew-stack-not-terrorist-irs/2529>

white supremacist anti-Semite who murdered a guard at the National Holocaust Museum²¹, while militant/extremist animal rights organizations, which, as the FBI concedes, have never physically injured a single person in American history, are designated the leading domestic terror threat. Writes Potter, "Focusing scarce anti-terrorism resources on animal rights and environmental activists, while there are clearly domestic groups who have, and will continue, to carry out physical violence, puts all Americans at risk. Perhaps if the government spent less time preparing for attacks by environmentalists, events like this [the deadly 19 February 2010 suicide plane attack on the Austin IRS building] could be prevented."²²

Even the Department of Justice (DOJ) itself has openly criticized the FBI's designation of animal rights activists (and other similar social activist groups) as a domestic terror priority. In a 2003 DOJ audit of the FBI, the DOJ found that the FBI should,

Consider transferring responsibility for investigating crimes committed by environmental, animal rights, and other domestic radical groups or individuals from the Counterterrorism Division to the Criminal Investigative Division, except where a domestic group or individual uses or seeks to use explosives or weapons of mass destruction to cause mass casualties. [...] To the extent that the FBI seeks to maximize its counterterrorism resources to deal with radical Islamic fundamentalist terrorism, WMD, and domestic groups or individuals that may seek mass casualties, we believe that FBI management should consider the benefit of transferring responsibility for criminal activity by social activists to the FBI's Criminal Investigative Division. Although the activities of such groups fall under the FBI's definition of domestic terrorism, a more focused definition may allow the FBI to more effectively target its counterterrorism resources.²³

The disclosure by the FBI of information pertaining to its understanding and handling of militant animal rights direct action activist [redacted] will significantly contribute to expanded public understanding of government operations concerning the designation of domestic terror priorities and the allocation of resources between domestic terror priorities, as well as support the public oversight of government agencies.

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²⁰ <http://www.greenisthenewred.com/blog/tea-party-terrorist/2616/>

²¹ <http://www.greenisthenewred.com/blog/white-supremacist-opens-fire-at-holocaust-museum-terroris-but-will-it-be-labeled-terrorism/2155/>

²² <http://www.greenisthenewred.com/blog/joseph-andrew-stack-not-terrorist-irs/2529/>

²³ Office of the Inspector General, Audit Division, U.S. Department of Justice, "Audit Report 04-10, The Federal Bureau of Investigation's Efforts to Improve the Sharing of Intelligence and Other Information," (Dec. 2003), X, 34.

Also see http://www.greenisthenewred.com/blog/justice-department-warned-fbi/3423/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+GreenIsTheNewRed+%28Green+Is+The+New+Red.com%29&utm_content=Google+Feedfetcher

Further, the FBI's general handling of the animal rights movement itself has become deeply controversial. Prominent newspapers, such as the *Washington Post*, follow the controversies in headlines such as "FBI Papers Show Terror Inquiry Into PETA, Other Groups Tracked."²⁴ Civil liberties oriented bloggers, such as award-winning independent journalist Will Potter, report regularly on what they perceive to be the unconstitutional and repressive evils of the what is widely perceived to be the FBI's "political persecution" of the animal rights and environmental movements. Potter views the FBI campaign against animal rights activists to be so corrosive of civil liberties that he directly compares the situation to the Red Scare of McCarthyism, terming the present situation the "Green scare," and naming his blog, and his upcoming book, "Green Is The New Red."²⁵ United States Representative Denis Kucinich (D-OH) concurs, asserting that FBI-led efforts to target animal rights groups and organizations "will have a real and chilling effect on people's constitutionally protected rights," and that such efforts "do nothing to address the real issue of animal protection but, instead targets those advocating animal rights."²⁶

Numerous law journals and legal organizations are also joining the chorus of voices challenging the FBI's campaign against animal rights and environmental activists. For just one example, a 9 March 2007 editorial in the *Vermont Journal of Environmental Law* concluded that the fiercely FBI supported Animal Enterprise Terrorism Act (AETA) "is an unconstitutional and mean-spirited product of "animal enterprise" lobbying that should be overturned by wise judges [...] or repealed by a Congress which passed this bill through a glass darkly, but then came face to face with compassion."²⁷ Likewise, the American Civil Liberties Union (ACLU) and the National Lawyers Guild strongly oppose FBI efforts to target animal rights and environmental activists as terrorists.²⁸ In 2007, the American University Washington School of Law's chapter of the National Lawyers Guild hosted an event titled "The Green Scare! Prosecuting Environmental Activists as Terrorists." The event focused specifically on the threats to free speech and political dissent posed by the FBI's handling of the animal rights movement.²⁹ Yale University recently hosted a nearly identical event, titled, "Green Scare: Redefining 'Terrorism' to Silence Non-violent Animal Rights Activists."³⁰

²⁴ Spencer S. Hsu, "FBI Papers Show Terror Inquiry Into PETA, Other Groups Tracked." *Washington Post*, 20 Dec. 2005. Available online at: <http://www.washingtonpost.com/wp-dyn/content/article/2005/12/19/AR2005121901777.html>

²⁵ See GreenIsTheNewRed.com

²⁶ http://www.vjel.org/editorials/ED10060.html#_edn32

²⁷ *Ibid.*

²⁸ <http://www.aclu.org/free-speech/aclu-letter-congress-urging-opposition-animal-enterprise-act-s-1926-and-hr-4239>

<http://www.nlg.org/Beyond%20AETA%20White%20Paper.pdf>

²⁹ <http://www.wcl.american.edu/org/guild/events.cfm>

³⁰ <http://www.greenisthenewred.com/blog/yale-green-scare-event/2970/>

Even the Department of Justice itself has demonstrated significant concerns along these lines. Prompted by Congressional concerns about “whether the FBI had improperly targeted domestic advocacy groups for investigation based upon their exercise of First Amendment rights,” the Department of Justice’s Office of the Inspector General’s Oversight and Review Division’s September 2010 report “A Review of the FBI’s Investigation of Certain Domestic Advocacy Groups” is scathing in its assessment of FBI behavior.³¹ One of the five representative FBI investigations analyzed in detail in this DOJ report is the FBI investigation of prominent animal rights organization People for the Ethical Treatment of Animals (PETA).³² The DOJ report found numerous glaring improprieties committed by the FBI in its investigations of the animal rights organization PETA, PETA leaders and employees, and other American advocacy organizations.³³

As detailed above, the FBI’s understanding and handling of animal rights activists is at the very heart of multiple linked heated public controversies concerning civil liberties, the conduct of the FBI, free speech, national security, industry influence on government operations, animal protection, and the enactment of federal legislation. The disclosure by the FBI of information pertaining to its understanding and handling of leading militant animal rights direct action activist [redacted] will significantly contribute to expanded public understanding of government operations concerning all of the above, including the FBI, DOJ, and Congressional linkage of above and underground animal activist organizations engaged in non-violent legal and illegal activities for the purpose of classifying and prosecuting non-violent activists as domestic terrorists and potentially violating the civil liberties of protesters in the process.

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Additionally, the case for the significant public interest in the disclosure of information pertaining to the FBI’s understanding and handling of [redacted] is further supported by [redacted] high profile participation in the influential animal rights direct action tactic known as “open rescue.”³⁴ Not only has [redacted] openly “rescued” animals from factory farms as part of this tactic, but [redacted] was part of the first direct action team to conduct an open rescue in the United States.

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The FBI’s understanding and handling of open rescue tactics, and the animal rights activists who engage in them, is especially significant. As clearly indicated in records released to me in FBI FOIPA release # 1147158-000 [redacted], the FBI seriously considered use of the deeply controversial Animal Enterprise Protection Act (AEPA) and the Animal Enterprise Terrorism Act (AETA) against open

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³¹ United States Department of Justice, Office of the Inspector General, Oversight and Review Division, “A Review of the FBI’s Investigation of Certain Domestic Advocacy Groups.” September 2010. 173.

³² United States Department of Justice, Office of the Inspector General, Oversight and Review Division, “A Review of the FBI’s Investigation of Certain Domestic Advocacy Groups.” September 2010. 93-124.

³³ United States Department of Justice, Office of the Inspector General, Oversight and Review Division, “A Review of the FBI’s Investigation of Certain Domestic Advocacy Groups.” September 2010.

³⁴ See <http://openrescue.org/>

rescuers.³⁵ Open rescuers cause minor economic losses to targeted factory farms as a result of the taking of animals and the negative publicity regarding the practices of those farms that emerges in press coverage of open rescue actions. However, open rescue actions are inherently non-violent and result in no property destruction. Expressly modeled on the tenets of classic civil disobedience, open rescues are conducted openly and with participants deliberately courting responsibility for their actions. Generally, open rescues have been met with laudatory responses from much of the public and press alike. That such openly conducted actions which result in no injuries or property damage could be subject to prosecution under federal anti-terror laws, the clear possibility of which is made plain in FBI FOIPA release # 1147158-000 [REDACTED], speaks to the hearts of the fierce controversies over the AEPA/AETA and the FBI and DOJ's broader linkage of non-violent social advocacy with terrorism.

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The disclosure by the FBI of information pertaining to its understanding and handling of open rescuer [REDACTED] will significantly contribute to expanded public understanding of government operations concerning the nature and evolution of the FBI's understanding and handling of animal rights direct action tactics in general, open rescue tactics in particular, and the relationship between those tactics and the deeply controversial AEPA/AETA. As such, the disclosure by the FBI of information pertaining to its understanding and handling of [REDACTED] will significantly contribute to expanded public understanding of the FBI's controversial linkage of above and underground animal activist organizations engaged in non-violent legal and illegal activities for the purpose of classifying and prosecuting non-violent activists as domestic terrorists, and potentially violating the civil liberties of protesters in the process.

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ii) Intent and Ability to Disseminate Information:

I firmly intend to analyze the released documents in order to facilitate significant expansion of public understanding of government operations. I am well qualified to perform this analysis. [REDACTED]

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[REDACTED]

[REDACTED]

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³⁵ For more on the controversy over the AEPA/AETA, see Will Potter, *Green is the New Red: An Insider's Account of a Social Movement Under Siege* (City Lights Publishers, 2011).

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[REDACTED]

As should be clear from the above, I have the ability and firm intention to disseminate to the public significant expansions of understanding of government operations based on analysis of the requested disclosures.

iii) Disclosure Not Sought Primarily for Commercial Use:

An agency must apply a balancing test to determine whether the public interest is of a greater magnitude than that of the commercial interest of the requester. "A fee waiver or reduction is justified where the public interest standard is satisfied and that public interest is greater in magnitude than that of any identified commercial interest in disclosure." 28 C.F.R. § 16.11(k)(2).

In my case, the results of this balancing test are clear: I am seeking the release of the requested documents primarily for a public interest, not for a commercial use. As detailed above, I am requesting the release of documents to analyze for use in my

⁴⁹ For example, see <http://www.animalrightszone.com/2005/animal-rights-movement/rights/&query=fbi+>

⁵⁰ For example, see <http://drstevebest.wordpress.com/2010/12/08/fbi-file-reveals-discussion-of-discrediting-animal-rights-activists-by-planting-rumors/>

⁵¹ For example, see <http://tprime.info/disinfo-never-dies-fbi-file-reveals-discussion-of-discrediting-animal-rights-activists-by-planting-rumors>

⁵² For example, see <http://freepeltiernow.blogspot.com/2010/12/cointelpro-never-went-away-fbi-file.html>

⁵³ It should also be noted that Facebook is now the single most visited website in the United States. <http://www.brecorder.com/news/it-and-computers/world/1138685:news.html>

⁵⁴ Will Potter. *Green is the New Red: An Insider's Account of a Social Movement Under Siege* (City Lights Publishers, 2011).

dissertation, book, scholarly and popular articles, scholarly and popular lectures, and scholarly and popular exhibits. Though scholars do occasionally get paid for some of the above, this is not generally the case, and when it does occur the sums are modest. Most crucially, payment is not the primary purpose for which such work is conducted.

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With good reason therefore, many federal agencies have a default policy of considering academic research inherently non-commercial. For instance, the Department of Defense's website on the Freedom of Information Act states, "scholars writing books or engaged in other forms of academic research, may recognize a commercial benefit, either directly, or indirectly (through the institution they represent); however, normally such pursuits are primarily undertaken for educational purposes, and the application of a fee charge would be inappropriate."⁵⁵

More so, the judicial case histories concerning similar scholarly requests for waivers of fees pertaining to Freedom of Information Act requests solidly support my contention that my request for the release of documents is primarily in the public interest and is not pursuant of primarily commercial ends.

In *Cambell 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 that, "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

⁵⁵ <http://www.dod.gov/pubs/foi/feewaiver.html>

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 documents from the FBI pertaining to investigations of members of a dissident political group, the court noted, "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 release of documents is in crucial ways identical to the situations described in the case law above. I seek documents 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 documents will significantly benefit the public interest, and this benefit to the public is of vastly greater magnitude than my minimal commercial interest.

Additionally, as also detailed in *Ettlinger v. FBI*, 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:

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* 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.*

As discussed in considerable detail above, the release of records stemming from this request will significantly contribute to significant expansion of public understanding of government operations concerning vital issues at the very highest levels of public interest in American governmental operations and the regulation thereof. Further, the information contained in the intended release is not available elsewhere and can only be obtained through the requested release. *For these reasons, and in keeping with former United States Attorney General Civiletti's instructions concerning scholars who are engaged in significant historical research, I request that a "complete rather than partial waiver" of duplication and search fees be granted.*⁵⁶

iv) 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).

⁵⁶ *Ettlinger v. FBI*, 596 F. Supp. 867, 874 (D. Mass. 1984).

Additionally, the courts have been equally clear that, in order to satisfy this public interest requirement, "the public" to be benefitted by a release of information to a scholar need not be the entire public. Rather, it need only 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 above substantially demonstrated that the population groups (scholarly and otherwise) significantly benefited by my analysis of the requested release are far larger than me alone. As such, I have more than satisfied the requirement for a fee waiver.

v) Additional Note on Journalistic 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 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 above, I clearly satisfy this description.

Further, the OPEN Government Act of 2007's definition of "a representative of the news media" is taken nearly verbatim from language used by the United States Court of Appeals, District of Columbia Circuit in the court's 1989 FOIA fee waiver-oriented ruling in *National Security Archive v. Department of Defense*.⁵⁷ As the court

⁵⁷ The language in *National Security Archive v. Department of Defense* reads, "A representative of the news media is, in essence, a person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn raw materials into a distinct work, and

also relatedly found in *National Security Archive v. Department of Defense*, a requester need not already have published numerous works in order to qualify as a representative of the news media. The court found that the express "intention" to publish or disseminate analysis of requested documents amply satisfies the above noted requirement for journalists to "publish or disseminat[e] information to the public." *National Security Archive v. Department of Defense*, 880 F.2d 1386, (D.C. Cir, 1989). As detailed herein, I have already publicly disseminated significant analysis of documents obtained through FOIPA requests and other research methodologies. I have demonstrated my ability to continue disseminating significant analysis of documents obtained through FOIPA requests and other research methodologies. And I have expressed a firm intention to continue disseminating significant analysis of documents obtained through FOIPA requests and other research methodologies

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." As such, I have again more than satisfied the requirement for a fee waiver.⁵⁸

vi) Letter of Support, Historical:



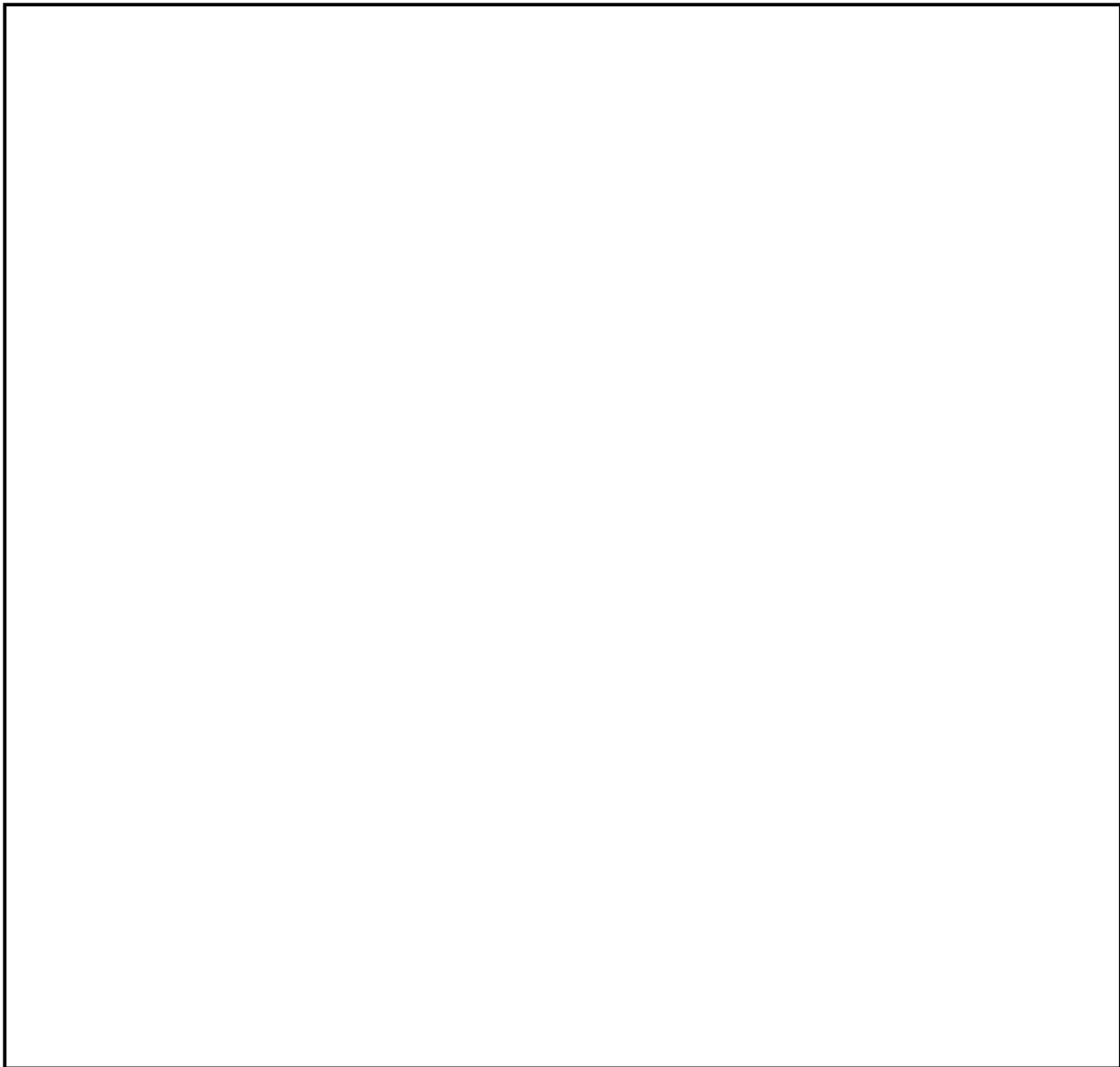
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distributes that work to an audience." *National Security Archive v. Department of Defense*, 880 F.2d 1381, 1387 (D.C. Cir, 1989).

⁵⁸ 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. I have identified articles, an exhibit, and a book within which I firmly intend to, and in some cases already have, disseminate(d) my analysis of requested information. I have identified another news media representative whom I have already fruitfully provided my analysis of requested information, and with whom I firmly intend to continue collaborating on future dissemination of requested information. Ultimately, in contrast to *Judicial Watch*, which the court found to "merely make available [] the requested information," I have established "a firm intention to disseminate" my analysis of the requested information. See *Judicial Watch, Inc. v. United States Department of Justice*, 185 F.Supp. 2d 54, 59 (D.D.C. 2002).

⁵⁹ *Ettlinger v. FBI*, 596 F. Supp. 867, 875 (D. Mass. 1984).

vii) Letter of Support, Journalistic:



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⁶⁰ *Ettlinger v. FBI*, 596 F. Supp. 867, 875 (D. Mass. 1984).

⁶¹ <http://www.greenisthenewred.com/blog/bio/>

⁶² <http://www.greenisthenewred.com/blog/bio/>

⁶³ <http://www.google.com/search?client=safari&rls=en&q=%22The+FBI+and+a+previously-unknown+informant+in+the+animal+rights+movement+%22&ie=UTF-8&oe=UTF-8>

⁶⁴ For example, see <http://www.animalrightszone.com/2005/animal-rights-movement/rights/&query=fbi+>

⁶⁵ For example, see <http://drstevebest.wordpress.com/2010/12/08/fbi-file-reveals-discussion-of-discrediting-animal-rights-activists-by-planting-rumors/>

⁶⁶ For example, see <http://tprime.info/disinfo-never-dies-fbi-file-reveals-discussion-of-discrediting-animal-rights-activists-by-planting-rumors>



viii) Letter of Support, Legal:



In summation, the disclosure of the requested information will significantly contribute to expanded public understanding of government operations and activities. I have the firm intention and ability to disseminate this significant expansion of public understanding of government operations and activities. The public interest in this significant expansion of public understanding of government operations and activities far outweighs any commercial interest of my own. Accordingly, my request for a full waiver of fees amply satisfies the rules of 28 C.F.R. § 16.11(k)(2). Legislative history and judicial authority emphatically support this determination. For these reasons, and based upon their extensive elaboration above, I request that a full waiver of search and duplication fees for my FOIPA request for any and all information relating or referring

⁶⁷ For example, see <http://freepeltiernow.blogspot.com/2010/12/cointelpro-never-went-away-fbi-file.html>

⁶⁸ <http://www.greenisthenewred.com/blog/fbi-file-reveals-discussion-of-discrediting-animal-rights-activists-by-planting-rumors/3282/>

⁶⁹ *Ettlinger v. FBI*, 596 F. Supp. 867, 875 (D. Mass. 1984).

to be granted. I will appeal any denial of this request for a waiver of fees to the Department of Justice's 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 this matter.



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Certification of Identity



FORM APPROVED OMB NO. 1103-0016
EXPIRES 10/31/13

Privacy Act Statement. In accordance with 28 CFR Section 16.41(d) personal data sufficient to identify the individuals submitting requests by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required. The purpose of this solicitation is to ensure that the records of individuals who are the subject of U.S. Department of Justice systems of records are not wrongfully disclosed by the Department. Requests will not be processed if this information is not furnished. False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 552a(i)(3).

Public reporting burden for this collection of information is estimated to average 0.50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Suggestions for reducing this burden may be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, Public Use Reports Project (1103-0016), Washington, DC 20503.

Full Name of Requester

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Citizenship Status ² US Citizen Social Security Number

Current Address

Date of Birth Place of Birth

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

Signature ⁴ Date 25 May 2011

OPTIONAL: Authorization to Release Information to Another Person

This form is also to be completed by a requester who is authorizing information relating to himself or herself to be released to another person.

g to me to:

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Print or Type Name

¹ Name of individual who is the subject of the record(s) sought.

² Individual submitting a request under the Privacy Act of 1974 must be either "a citizen of the United States or an alien lawfully admitted for permanent residence," pursuant to 5 U.S.C. Section 552a(a)(2). Requests will be processed as Freedom of Information Act requests pursuant to 5 U.S.C. Section 552, rather than Privacy Act requests, for individuals who are not United States citizens or aliens lawfully admitted for permanent residence.

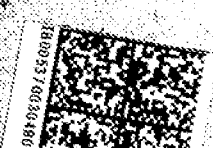
³ Providing your social security number is voluntary. You are asked to provide your social security number only to facilitate the identification of records relating to you. Without your social security number, the Department may be unable to locate any or all records pertaining to you.

⁴ Signature of individual who is the subject of the record sought.

11 James St
Cambridge, MA 02141

2500
James St
Cambridge

1 B...



FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1363980-0

Total Deleted Page(s) = 4
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Page 3 ~ Duplicate;
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FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1363980-0

Total Deleted Page(s) = 7

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- Page 21 ~ b6;
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- Page 23 ~ b6;
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- Page 34 ~ b6;
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06/29/11

Freedom of Information and Privacy Acts request for information on a living person: [redacted]

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To: Federal Bureau of Investigation
Record/Information Dissemination Section

This letter constitutes a formal request under the U.S. Freedom of Information and Privacy Acts (5 U.S.C. §552/552a) and the regulations promulgated thereunder. Please analyze the requested material under both 5 U.S.C. §552 and 5 U.S.C. §552a in order to produce the maximum number of results.

REQUESTER INFORMATION:

[redacted]

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Information Sought:

I request disclosure of any and all records that were prepared, received, transmitted, collected and/or maintained by the FBI, the National Joint Terrorism Task Force, or any Joint Terrorism Task Force relating or referring to the living person [redacted]

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Name: [redacted]
Date of Birth: [redacted]
Place of Birth: [redacted]
Current address: [redacted]

Additional Background Information:

[redacted]

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Attached please find **Privacy Waiver and Certification of Identity.**

Request for FBI Headquarters, Field Office, and Task Force Office Searches:

I request that a complete and thorough search for any and all materials relating or referring to be conducted in any and all indices, filing systems, and locations pertaining to any and all materials prepared, received, transmitted, collected and/or 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.

Request for Main File and Cross-Reference searches:

I request that a search of all main file *and cross-reference* indices and indexes, as well as of all electronic and manual indices and indexes, be conducted for materials relating or referring to

This request includes, but is not limited to, documents, reports, memoranda, letters, electronic files, "See Also" files, "Do Not File" files, "Official & Confidential" files, numbered and lettered subfiles, 1A envelopes, enclosures behind files (EBF's), "Personal & Confidential" files, photographs, audio tapes & videotapes, electronic or microphone surveillance (ELSUR or MISUR), or photographic surveillance, "JUNE" files, "Obscene" Files, "Subversive" Indexes, Bulky Exhibits, control files, mail covers, trash covers; and any index citations relating to or referencing ("see also") in other files. I request that all records be produced with the administrative markings and that all reports include the administrative pages.

Please search *all* of your indices and indexes and interpret this request broadly.

Request for ELSUR, MISUR, and FISUR searches:

As part of the above request, I request that a search of all electronic, microphone, and physical surveillance indices and indexes for any and all records relating or referring to be conducted.

Request for electronic and paper searches:

As part of the above request, I request that a search of all electronic and paper records for any and all materials relating or referring to [redacted] be conducted.

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Request for ticklers:

As part of the above request, I request that a search for any and all "ticklers" relating or referring to [redacted] be conducted.

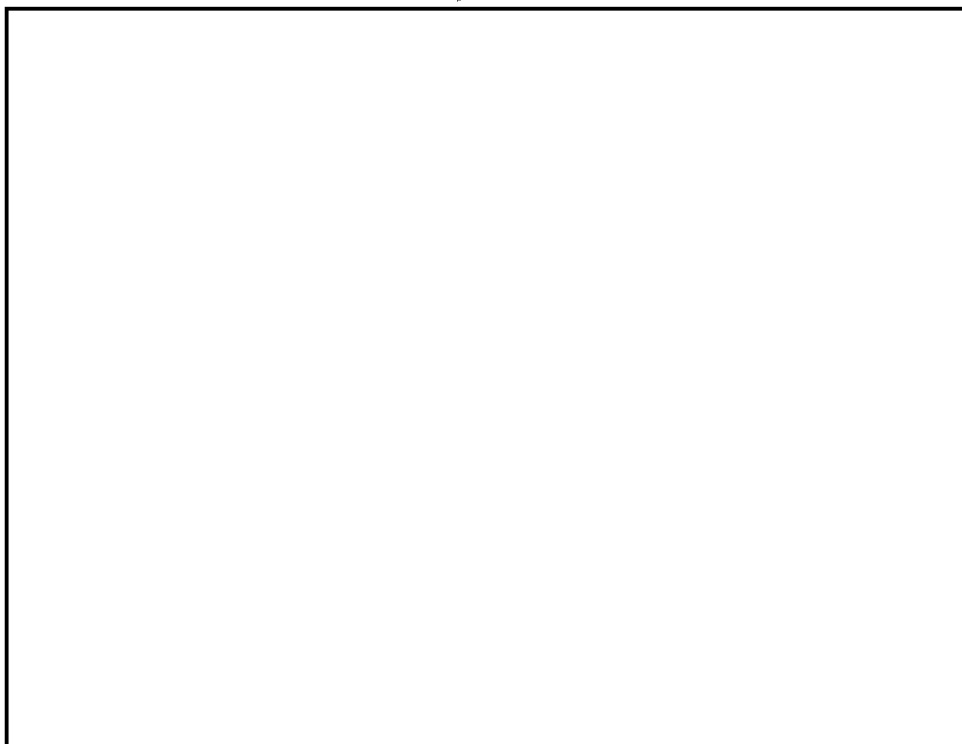
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Request for Additional Included References:

As part of the above request, I request that any references to the below living and deceased individuals contained in the above-requested release [redacted] be provided to me unredacted. These below individuals have all provided me with signed privacy waivers pursuant of this end, or I have obtained obituaries for them. I have already submitted copies of all of these privacy waivers and obituaries in my 21 June 2011 FOIPA request for information on [redacted]. Please use these previously submitted privacy waivers and obituaries in processing this present FOIPA request [redacted].

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-Amory, Cleveland (1917-1981)

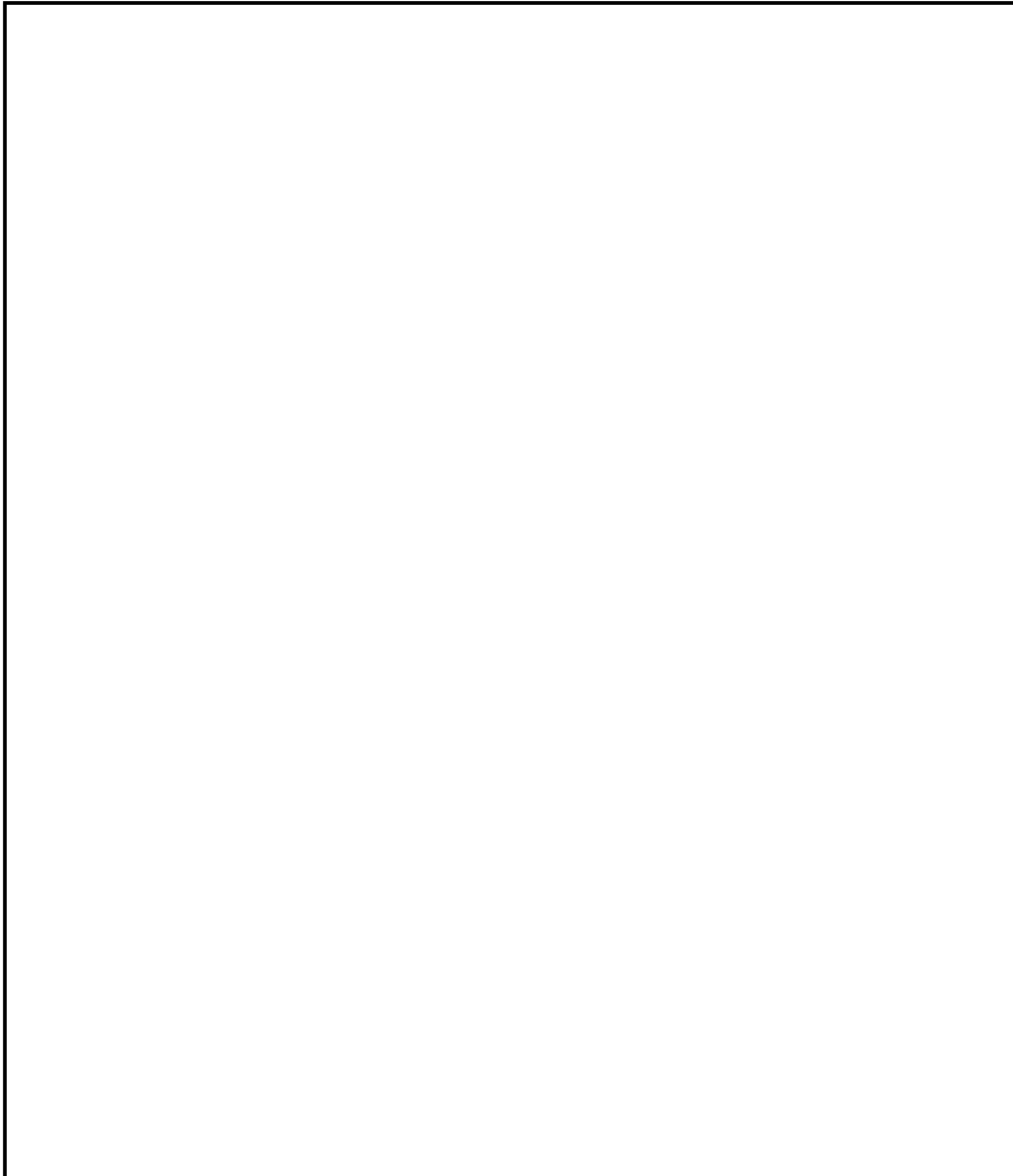


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-Cate, Dexter L. (1943-1990)



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-Herrington, Alice (ca. 1919-1994)



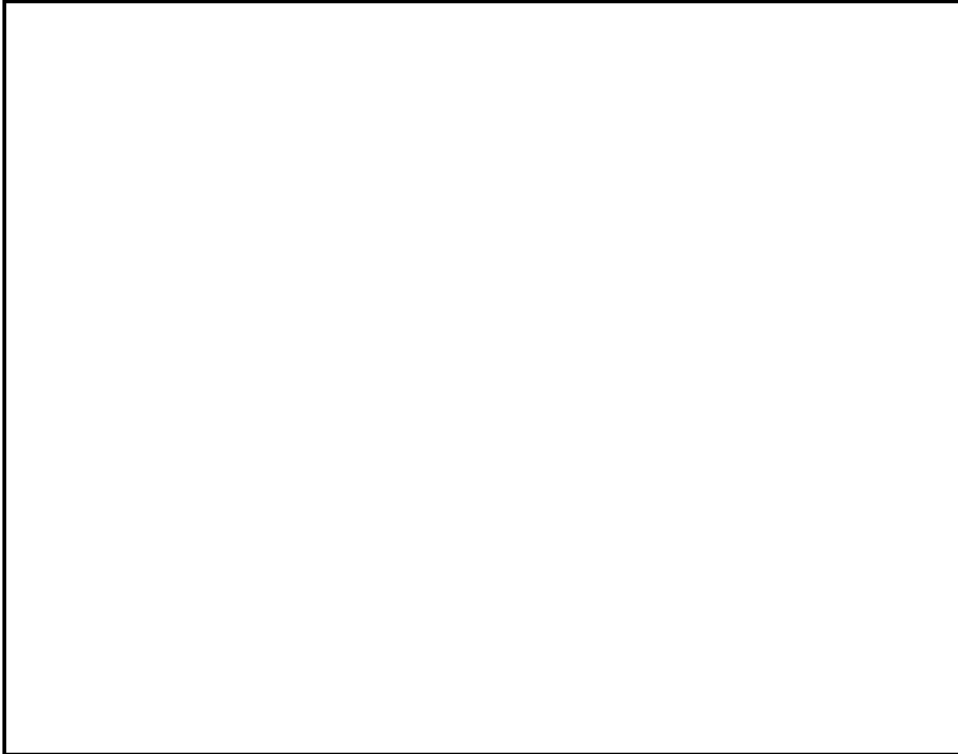
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-Hutto, Henry (1953-2003)



b6

-Jones, Helen (?-1998)

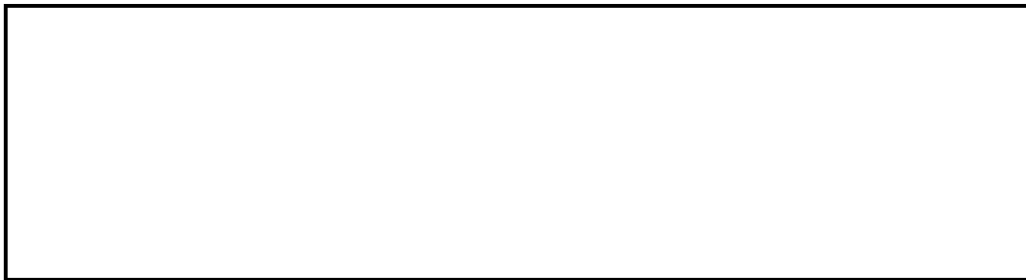


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-Myers, Fred (1904-1963)



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-Seiling, Eleanor (ca. 1907-1985)



b6

-Spira, Henry (1927-1998)



b6

-Stewart, Leslie (1936-2009)

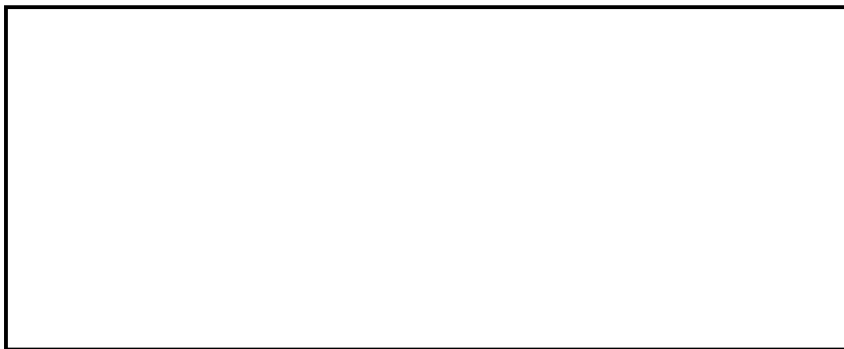


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-Troen, Roger (1931-2008)



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**Request for FOIA Search Slip:**

As part of the above request, I request that a copy of the **FOIA Search Slip** generated as a result of this request be provided to me.

Exemptions:

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.¹

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

Nevertheless, 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

¹ 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/>

extension of automatic declassification or review past six years; and, if applicable, the reason for extended classification beyond six years.

In excising material, please "black out" the material rather than "white out" or "cut out." I expect, as provided by FOIA, that the remaining non-exempt portions of 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.

Format:

I request that any releases stemming from this request be provided to me in digital format on a compact disk or other like media.

Additionally:

Please place any "missing" files pertaining to this request on "special locate" and advise me that you have done this.

Please send a memo (copy to me) to the appropriate units in your office to assure that no records related to this request are destroyed. Please advise of any destruction of records and include the date of and authority for such destruction.

Payment:

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.'").

Important note regarding fees:

This present request, along with all of my so-designated FOIPA requests, pertains to my research on the relationships between the FBI and the animal rights movement. As articulated below, all of my so-designated FOIPA requests pertain to this one project. The FBI has determined that this project qualifies for a waiver of fees. (See my FOIPA request # 1143549-000-Animal Liberation Front, as well as my FOIPA request # 1157020-Justice Department).

The FBI openly acknowledges the unity for processing/duplication fee purposes of my "animal rights" FOIPA requests. In its 3 May 2010 letter to me (attached), the FBI asserts that, "Based on your correspondence, we have determined that the subjects of your requests are similar in nature (animal rights), therefore you will be charged aggregate fees." And again, the FBI reiterates this point in its 24 May 2011 letter to me (attached) referencing my FOIPA request # 1161727-000 [REDACTED]. [REDACTED] Writes the FBI, "Because your FOIA requests are similar in scope and content, they constitute a series of related requests, and you are being charged aggregate duplication fees for all of your requests." As made clear within the FOIA statute itself, this aggregation by the FBI is a declaration by the FBI that the Bureau considers all of my "animal rights" related FOIPA requests to "actually constitute a single request." 5 U.S.C. §552 (a)(6)(B)(iv).

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As the FBI granted me a waiver of fees for my FOIPA request # 1143549-000-Animal Liberation Front, and as the FBI aggregated this FOIPA request with all of my other "animal rights" related FOIPA requests, the FBI must grant me a waiver of fees for all of my "animal rights" related FOIPA requests, including this present request. It should be noted that this is the position of FBI FOIPA Public Liaison Officer, Dennis J. Argall, with whom I discussed this matter in detail on 29 June 2011. Please refer any questions on this point to Mr. Argall.

As detailed below, 1) The subject of the requested records concerns the operations of government. 2) The disclosure of the requested information is likely to significantly contribute to greater understanding of government operations. 3) The disclosure of the requested information will significantly contribute to greater public understanding of government operations. 4) I have the ability and intention to disseminate said information to the public. 5) My dissemination of the requested information will contribute significantly to expanded public understanding of government operations.

i) Disclosure of Documents Will Significantly Contribute to Public Understanding of Government operations:

The disclosure of the documents I requested is in the public interest because the information is likely to contribute significantly to public understanding of the

operations or activities of government and is not primarily in my commercial interest. 28 C.F.R. § 16.11(k)(2). As stated in the legislative history, "A requester is likely to contribute significantly to public understanding if the information disclosed is new; supports public oversight of agency operations; or otherwise confirms or clarifies data on past or present operations of the government." 132 Cong. Rec. H9464 (Reps. English and Kindness). This request amply satisfies these requirements.



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The animal rights movement is a major American social and political movement that is daily engaged in heated controversies with government agencies. It is one of the most controversial and quickly growing social movements in the United States, and volumes upon volumes of new scholarly and popular literature on the animal rights movement are produced each year. Even the most cursory investigation demonstrates the tremendous general public interest, as well as scholarly interest, in the animal rights movement. A quick search for "animal rights" on Google.com yields "about 3,950,000" results. An Amazon.com "book search" for "animal rights" yields 1,512 results. And a search for "animal rights" on the scholarly article search engine JSTOR yields 4,104 results. Even the FBI's own website yields dozens upon dozens of search results for "animal rights."²

The FBI is the leading law enforcement and domestic counter-terrorism governmental agency in the United States. As with the animal rights movement, even the most cursory of investigations demonstrates the tremendous general public interest, as well as scholarly interest, in the operations of the FBI. A quick search for "Federal Bureau of Investigation" on Google.com yields "about 2,600,000" results. An Amazon.com "book search" for "Federal Bureau of Investigation" yields 1,480 results. And a search for "Federal Bureau of Investigation" on the scholarly article search engine JSTOR yields 4,611 results.³ In particular, the FBI's investigations of, and at times campaigns against, American social justice and advocacy organizations remain among the most controversial of FBI and domestic U.S. governmental operations.⁴

² Searches conducted on 29 May 2010.

³ Searches conducted on 9 March 2011.

⁴ This point is explored further below. However, for further evidence of the consistently controversial nature of FBI operations concerning American social justice and advocacy organizations, one need

As my research demonstrates, the FBI has played a profound, shifting, and deeply controversial role in the evolution of the animal rights movement and its efforts to protect animals. Relatedly, and as discussed in part below, the animal rights movement has played a profound, shifting, and deeply controversial role in the evolution of the FBI's understanding of its own mission. Further, the often hidden intersections of the animal rights movement and FBI operations have played profound, shifting, and again deeply controversial roles in defining the meanings and limits of "terrorism," "national security," and "free speech" in the United States.

To date, almost no scholarly information, and little other information, is available to scholars or the broader public on these vital issues. Further, the little information on these matters that is currently available to scholars and the broader public is almost entirely based upon press articles, interviews with activists, and to a lesser extent, court records. Virtually none of this already minimal information builds upon the internal records of the FBI. FBI records pertaining to the Bureau's understanding and handling of the animal rights movement contain vital information on these matters that is not available through any other sources.⁵ As such, these highly controversial

look no further than popular and scholarly attention to COINTELPRO (Counter Intelligence Program), the FBI's infamous 1950s-1970s assaults on the civil liberties of American advocacy organizations. A quick search for "COINTELPRO" on Google.com yields "about 362,000" results. An Amazon.com "book search" for "COINTELPRO" yields 111 results. And a search for "COINTELPRO" on the scholarly article search engine JSTOR yields 272 results. (Searches conducted on 9 March 2011). Further, the FBI's understanding and handling of the animal rights movement is increasingly compared to COINTELPRO. (For example, see GreenIsTheNewRed.com). My research directly examines these connections. Already, and as discussed below, FBI documents obtained by me through FOIA requests, and my analysis of these documents, have been used by an award-winning journalist to highlight the similarities between the FBI's COINTELPRO program and its current handling of the animal rights and environmental movements. See <http://www.greenisthenewred.com/blog/fbi-file-reveals-discussion-of-discrediting-animal-rights-activists-by-planting-rumors/3282/>

⁵ Scholarly analysis of FOIA-obtained FBI records is a well-accepted research methodology. 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). And, while I am the first scholar to systematically request and analyze FBI

topics concerning government operations, national security, and free speech are not only grossly under-examined, but the few examinations that even begin to touch upon them neglect to examine the key sources that would by far shed the most light upon the nature and evolution of the FBI's deeply consequential and controversial understanding and handling of the animal rights movement. Pursuant of correcting these vast gaps in public understanding of government operations, I have requested through the Freedom of Information Act, and will continue to request, information held by the FBI pertaining to key individuals, organizations, and events related to the FBI's role in animal use and protection conflicts from the pre-World War II period to the present. As detailed below, the disclosure of information held by the FBI pertaining to its understanding and handling of [REDACTED] will significantly contribute to my research into the intersections of the animal rights movement and FBI operations, and as such will significantly contribute to expanded public understanding of government operations, as well as support the public oversight of government agencies.

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The FBI is unambiguous about the significant public importance of the militant/extremist animal rights movement, and especially of the movement's direct action tactics employed and espoused by activists such as [REDACTED].⁷ Further, the FBI is especially unambiguous about the even greater significant public importance of the FBI's own handling of the militant/extremist animal rights movement and its associated direct action techniques. Even a quick search for "animal rights" on the FBI's own webpage reveals dozens of hits with titles such as "Addressing the Threat of Animal Rights Extremism and Eco-Terrorism" (Senate testimony), "Animal Rights Extremism and Ecoterrorism" (Senate testimony), and "Investigating and

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documents pertaining to the Bureau's understanding and handling of the animal rights movement, for an example of scholarly analysis of Canadian Access to Information Act-obtained intelligence agency records pertaining to Canadian governmental suppression of animal rights activists, see Kevin Walby and Jeffrey Monaghan's "Private Eyes and Public Order: Policing and Surveillance in the Suppression of Animal Rights Activists in Canada," *Social Movement Studies* (Vol. 10, No. 1, 21-37, January 2011).

⁶ For examples, see Chris DeRose, *In Your Face: From Actor to Animal Activist*. Duncan Pub, 1997.

⁷ For one example among many, see Deputy Assistant Director, Counterterrorism Division, FBI, John E. Lewis, "Addressing the Threat of Animal Rights Extremism and Eco-Terrorism." Testimony before United States Senate Committee on Environment and Public Works. 18 May 2005. Available online at: <http://www.fbi.gov/news/testimony/addressing-the-threat-of-animal-rights-extremism-and-eco-terrorism/?searchterm=%22animal%20rights%22>

Preventing Animal Rights Extremism" (Senate testimony).⁸ The special significance of "direct action" animal rights tactics, such as those employed and espoused by [redacted] are repeatedly singled out by the FBI in the above testimony and throughout the search results for "animal rights" on the FBI website.⁹ Indeed, as of 2005, FBI Deputy Assistant Director John Lewis asserted, "The No. 1 domestic terrorism threat is the eco-terrorism, animal-rights movement[.]"¹⁰

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Given that the FBI itself repeatedly and insistently affirms the significant public threat to American national security posed by militant/extremist animal rights activists and their direct action tactics, and the even greater public significance of the FBI's aggressive and much-touted responses to militant/extremist animal rights activists and their direct action tactics, the disclosure by the FBI of information pertaining to its understanding and handling of the militant animal rights direct action activist [redacted] will significantly contribute to expanded public understanding of government operations concerning the maintenance of American national security in the face of domestic terrorism.

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Relatedly, the significant public interest in the disclosure of information pertaining to the FBI's understanding and handling of [redacted] is further supported by the existence of an ongoing public controversy over the FBI's designation of the militant animal rights and environmental movements as "The No. 1 domestic terrorism threat" faced by the United States today.¹¹ Given, as the FBI concedes, that no animal rights or environmental organization has ever physically injured a single person in the movements' decades of existence in the United States, many persons and organizations from across the political spectrum have openly questioned the merit and wisdom of designating the animal rights movement as the leading domestic terror threat.¹²

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For example, Henry Schuster, a senior producer in CNN's investigative unit who has covered terrorism for CNN for over a decade, wrote a 24 August 2005 article for CNN.com titled, "Who's Most Dangerous?: Eco-terrorists are now above ultra-right extremists on the FBI charts."¹³ In this article, CNN's Schuster is highly critical of the FBI's decision to designate the animal rights movement as more dangerous to the United States than right-wing militia groups and violent racist organizations with long histories of extreme violence against persons and murder.

⁸ <http://www.fbi.gov/search?SearchableText=%22animal+rights%22>

⁹ <http://www.fbi.gov/search?SearchableText=%22animal+rights%22>

¹⁰ Schuster, Henry. "Who's Most Dangerous?: Eco-terrorists are now above ultra-right extremists on the FBI charts." CNN.com, 24 August, 2005.

See also, "Associated Press. "FBI surprise on top Domestic Terror Threat: It's not abortion foes or Klan, but animal and eco-extremists." MSNBC.com, 19 May 2005.

¹¹ Schuster, Henry. "Who's Most Dangerous?: Eco-terrorists are now above ultra-right extremists on the FBI charts." CNN.com, 24 August, 2005.

¹² Ibid.

¹³ Ibid.

Especially vocal on this point, and quoted at length in Schuster's article, is Mark Potok of the Southern Poverty Law Center, a leading civil rights organization that has tracked hate crimes and violent extremism in the United States for decades. Though no fan of the animal rights movement, Potok is adamant that, "It is simply ludicrous to describe animal rights and eco-terrorism as the No. 1 threat. [...] It is difficult to understand how the leaders of our major national security organizations can see it this way."¹⁴ According to Schuster, "Potok thinks politics is behind the decision: Political pressure from the White House and conservative Republicans toward the environmental movement is, in part, the reason eco-terrorism is now the priority, he said."¹⁵

Both CNN's Henry Schuster and the Southern Poverty Law Center's Mark Potok are deeply concerned by the ramifications of what they perceive to be the FBI's political rather than security-oriented criteria for calculating America's domestic terror priorities. Asserts Schuster, "[I]f you are the FBI or Department of Homeland Security, your domestic terror priority drives how finite resources are allocated -- especially when so much attention and money is focused on al Qaeda and international terror."¹⁶ Follows Potok, "My worry is that, [because of the political designation of animal rights organizations as America's leading domestic terror threats,] just as in the years running up to the Oklahoma City bombing, ... we will ignore a world of violence emanating from our own extreme right."¹⁷

Similarly, award-winning independent journalist Will Potter¹⁸ regularly invokes the FBI's designation of animal rights organizations as the nation's leading domestic terror threats as evidence of widespread political exploitation of post 9-11 concerns over domestic terrorism.¹⁹ For example, Potter questions the wisdom, legitimacy, and consequences of FBI priorities that classify as "not terrorists" individuals and organizations including a tax protester who flew a plane into an IRS building in Texas²⁰, militia members who incited brick attacks on lawmakers' offices²¹, and a white supremacist anti-Semite who murdered a guard at the National Holocaust Museum²², while militant/extremist animal rights organizations, which, as the FBI

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ <http://www.greenisthenewred.com/blog/bio/>

¹⁹ For three (of many) examples of Potter's treatment of the issue, see:

<http://www.greenisthenewred.com/blog/video-number-one-domestic-terrorism-threat/2651/>

<http://www.greenisthenewred.com/blog/tea-party-terrorist/2616/>

<http://www.greenisthenewred.com/blog/joseph-andrew-stack-not-terrorist-irs/2529/>

<http://www.greenisthenewred.com/blog/green-scare/>

²⁰ <http://www.greenisthenewred.com/blog/joseph-andrew-stack-not-terrorist-irs/2529>

²¹ <http://www.greenisthenewred.com/blog/tea-party-terrorist/2616/>

²² <http://www.greenisthenewred.com/blog/white-supremacist-opens-fire-at-holocaust-museum-terroris-but-will-it-be-labeled-terrorism/2155/>

concedes, have never physically injured a single person in American history, are designated the leading domestic terror threat. Writes Potter, "Focusing scarce anti-terrorism resources on animal rights and environmental activists, while there are clearly domestic groups who have, and will continue, to carry out physical violence, puts all Americans at risk. Perhaps if the government spent less time preparing for attacks by environmentalists, events like this [the deadly 19 February 2010 suicide plane attack on the Austin IRS building] could be prevented."²³

Even the Department of Justice (DOJ) itself has openly criticized the FBI's designation of animal rights activists (and other similar social activist groups) as a domestic terror priority. In a 2003 DOJ audit of the FBI, the DOJ found that the FBI should,

Consider transferring responsibility for investigating crimes committed by environmental, animal rights, and other domestic radical groups or individuals from the Counterterrorism Division to the Criminal Investigative Division, except where a domestic group or individual uses or seeks to use explosives or weapons of mass destruction to cause mass casualties. [...] To the extent that the FBI seeks to maximize its counterterrorism resources to deal with radical Islamic fundamentalist terrorism, WMD, and domestic groups or individuals that may seek mass casualties, we believe that FBI management should consider the benefit of transferring responsibility for criminal activity by social activists to the FBI's Criminal Investigative Division. Although the activities of such groups fall under the FBI's definition of domestic terrorism, a more focused definition may allow the FBI to more effectively target its counterterrorism resources.²⁴

The disclosure by the FBI of information pertaining to its understanding and handling of militant animal rights direct action activist [redacted] will significantly contribute to expanded public understanding of government operations concerning the designation of domestic terror priorities and the allocation of resources between domestic terror priorities, as well as support the public oversight of government agencies.

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Additionally, the FBI, as well as representatives of the news media and animal use industries, have long suspected and alleged a direct relationship between [redacted] his

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²³ <http://www.greenisthenewred.com/blog/joseph-andrew-stack-not-terrorist-irs/2529/>

²⁴ Office of the Inspector General, Audit Division, U.S. Department of Justice, "Audit Report 04-10, The Federal Bureau of Investigation's Efforts to Improve the Sharing of Intelligence and Other Information," (Dec. 2003). X, 34.

Also see http://www.greenisthenewred.com/blog/justice-department-warned-fbi/3423/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+GreenIsTheNewRed+%28Green+Is+The+New+Red.com%29&utm_content=Google+Feedfetcher

organization LCA, and the Animal Liberation Front (ALF).²⁵ The ALF is the animal rights organization most explicitly designated by the FBI as the "The No. 1 domestic terrorism threat" in the United States.²⁶ The FBI openly and unambiguously acknowledges the significant public importance of the ALF, and the even more significant public importance of the FBI's handling of the ALF. On 18 May 2004, FBI Deputy Assistant Director Lewis, the top FBI official in charge of domestic terrorism, informed the United States Senate Judiciary Committee that,

Currently, more than 34 FBI field offices have over 190 pending investigations associated with ALF/ELF activities.

[...] The FBI's commitment to address the threat can be seen in the proactive approach that we have taken regarding the dissemination of information. Intelligence Information Reports (IIRs) are used as a vehicle for delivering FBI intelligence information to members of the Intelligence, Policy and Law Enforcement Communities. Since its establishment in March 2003, the Domestic Collection, Evaluation and Dissemination Unit has issued 20 IIRs to the field relating specifically to animal rights/eco-terrorism activity.

The commitment to addressing the threat posed by animal rights extremists and eco-terrorism movements can also be demonstrated by the FBI's proactive information campaign. This campaign has included ongoing liaison with federal, state, and local law enforcement and prosecutors, relevant trade associations and targeted companies and industries. The FBI has established a National Task Force and Intelligence Center at FBIHQ to coordinate this information campaign, and develop and implement a nationwide, strategic investigative approach to addressing the animal rights/eco-terrorism threat in the United States. The FBI has also conducted liaison and cooperated in investigations with foreign law enforcement agencies regarding animal rights extremist/ecoterrorism matters.

In conclusion, the FBI has made the prevention and investigation of animal rights extremists/eco-terrorism matters a domestic terrorism investigative priority. The FBI and all of our federal, state and local law enforcement partners will continue to strive to address the difficult and unique challenges posed by animal rights extremists.²⁷

²⁵ For FBI speculations/declarations along these lines, see numerous examples in FBI FOIPA release 1143549-000 (Animal Liberation Front, Cases opened 1980-1989).

For example of animal industry/media speculations/declarations along these lines, see <http://www.animalrights.net/2002/██████████on-animal-rights-terrorism/>

²⁶ Schuster, Henry. "Who's Most Dangerous?: Eco-terrorists are now above ultra-right extremists on the FBI charts." CNN.com, 24 August, 2005.

²⁷ <http://www2.fbi.gov/pressrel/speeches/lewis031405.htm>.

Similarly, during a 14 March 2005 speech at the 4th Annual conference on Public Safety, FBI Deputy Assistant Director John Lewis again repeatedly invoked the supposed leading domestic terror menace posed by the ALF, and the FBI's deep commitment to aggressive action against the ALF.²⁸ Both of the above-noted speeches invoking the intensity of ALF activity, and of the intensity of FBI responses to ALF activity, along with many other similar statements by FBI officials concerning the public importance of the ALF, and of the FBI's responses to it, are publically available on the FBI's own website.²⁹

Further, again explicitly invoking the ALF, as of 2005, FBI Deputy Assistant Director John Lewis asserted "The No. 1 domestic terrorism threat is the eco-terrorism, animal-rights movement[.]"³⁰

Not only does the FBI, as well as representatives of the news media and animal use industries, suspect and allege a direct relationship between [redacted] his organization LCA, and the Animal Liberation Front ALF, but [redacted] himself has also been associated with the Animal Liberation Front Supporters Group (ALF SG), long suspected by the FBI to be a front group for the ALF.³¹

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As [redacted] was a leading member of LCA, and [redacted] and his LCA pioneered animal rights direct action tactics and strategies in the United States, and the FBI is the leading anti-terrorism agency in the United States, any information held by the FBI pertaining to the veracity of allegations that [redacted] and his LCA are essentially terrorist fronts will significantly contribute to expanded public understanding of government operations concerning the maintenance of American national security in the face of domestic terrorism. Further, if these allegations against [redacted] and LCA are in fact fallacious, the disclosure by the FBI of information pertaining to the Bureau's understanding and handling of [redacted] will significantly contribute to expanded public understanding of government operations concerning FBI, DOJ, Congressional, and media linkage of above and underground animal protection activists and organizations engaged in non-violent legal and illegal activities for the purpose of classifying and prosecuting non-violent activists as domestic terrorists and potentially violating the civil liberties of protesters in the process.

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²⁸ <http://www2.fbi.gov/pressrel/speeches/lewis031405.htm>

²⁹ At FBI.gov, search for "Animal Liberation Front," "Earth Liberation Front," "ALF," "ELF," and "ALF/ELF."

³⁰ Schuster, Henry. "Who's Most Dangerous?: Eco-terrorists are now above ultra-right extremists on the FBI charts." CNN.com, 24 August, 2005. See also, "Associated Press. "FBI surprise on top Domestic Terror Threat: It's not abortion foes or Klan, but animal and eco-extremists." MSNBC.com, 19 May 2005.

³¹ Again, for example see FBI FOIPA release 1143549-000 (Animal Liberation Front, Cases opened 1980-1989).

Further still, the FBI's general handling of the animal rights movement itself has become deeply controversial. Prominent newspapers, such as the *Washington Post*, follow the controversies in headlines such as "FBI Papers Show Terror Inquiry Into PETA, Other Groups Tracked."³² Civil liberties oriented bloggers, such as award-winning independent journalist Will Potter, report regularly on what they perceive to be the unconstitutional and repressive evils of the what is widely perceived to be the FBI's "political persecution" of the animal rights and environmental movements. Potter views the FBI campaign against animal rights activists to be so corrosive of civil liberties that he directly compares the situation to the Red Scare of McCarthyism, terming the present situation the "Green scare," and naming his blog, and his upcoming book, "Green Is The New Red."³³ United States Representative Denis Kucinich (D-OH) concurs, asserting that FBI-led efforts to target animal rights groups and organizations "will have a real and chilling effect on people's constitutionally protected rights," and that such efforts "do nothing to address the real issue of animal protection but, instead targets those advocating animal rights."³⁴

Numerous law journals and legal organizations are also joining the chorus of voices challenging the FBI's campaign against animal rights and environmental activists. For just one example, a 9 March 2007 editorial in the *Vermont Journal of Environmental Law* concluded that a fiercely FBI supported animal rights specific "anti-terror" bill "is an unconstitutional and mean-spirited product of "animal enterprise" lobbying that should be overturned by wise judges [...] or repealed by a Congress which passed this bill through a glass darkly, but then came face to face with compassion."³⁵ Likewise, the American Civil Liberties Union (ACLU) and the National Lawyers Guild strongly oppose FBI efforts to target animal rights and environmental activists as terrorists.³⁶ In 2007, the American University Washington School of Law's chapter of the National Lawyers Guild hosted an event titled "The Green Scare! Prosecuting Environmental Activists as Terrorists." The event focused specifically on the threats to free speech and political dissent posed by the FBI's handling of the animal rights movement.³⁷ Yale University recently hosted a nearly identical event, titled, "Green Scare: Redefining 'Terrorism' to Silence Non-violent Animal Rights Activists."³⁸

³² Spencer S. Hsu, "FBI Papers Show Terror Inquiry Into PETA, Other Groups Tracked." *Washington Post*, 20 Dec. 2005. Available online at: <http://www.washingtonpost.com/wp-dyn/content/article/2005/12/19/AR2005121901777.html>

³³ See GreenIsTheNewRed.com

³⁴ http://www.vjel.org/editorials/ED10060.html#_edn32

³⁵ *Ibid.*

³⁶ <http://www.aclu.org/free-speech/aclu-letter-congress-urging-opposition-animal-enterprise-act-s-1926-and-hr-4239>

<http://www.nlg.org/Beyond%20AETA%20White%20Paper.pdf>

³⁷ <http://www.wcl.american.edu/org/guild/events.cfm>

³⁸ <http://www.greenisthenewred.com/blog/yale-green-scare-event/2970/>

Even the Department of Justice itself has demonstrated significant concerns along these lines. Prompted by Congressional concerns about "whether the FBI had improperly targeted domestic advocacy groups for investigation based upon their exercise of First Amendment rights," the Department of Justice's Office of the Inspector General's Oversight and Review Division's September 2010 report "A Review of the FBI's Investigation of Certain Domestic Advocacy Groups" is scathing in its assessment of FBI behavior.³⁹ One of the five representative FBI investigations analyzed in detail in this DOJ report is the FBI investigation of prominent animal rights organization People for the Ethical Treatment of Animals (PETA).⁴⁰ The DOJ report found numerous glaring improprieties committed by the FBI in its investigations of the animal rights organization PETA, PETA leaders and employees, and other American advocacy organizations.⁴¹

As detailed above, the FBI's understanding and handling of animal rights activists is at the very heart of multiple linked heated public controversies concerning civil liberties, the conduct of the FBI, free speech, national security, industry influence on government operations, animal protection, and the enactment of federal legislation. The disclosure by the FBI of information pertaining to its understanding and handling of leading militant animal rights direct action activist [redacted] will significantly contribute to expanded public understanding of government operations concerning all of the above, including the FBI, DOJ, and Congressional linkage of above and underground animal activist organizations engaged in non-violent legal and illegal activities for the purpose of classifying and prosecuting non-violent activists as domestic terrorists and potentially violating the civil liberties of protesters in the process.

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ii) Intent and Ability to Disseminate Information:

I firmly intend to analyze the released documents in order to facilitate significant expansion of public understanding of government operations. I am well qualified to perform this analysis [redacted]

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[Large redacted area]

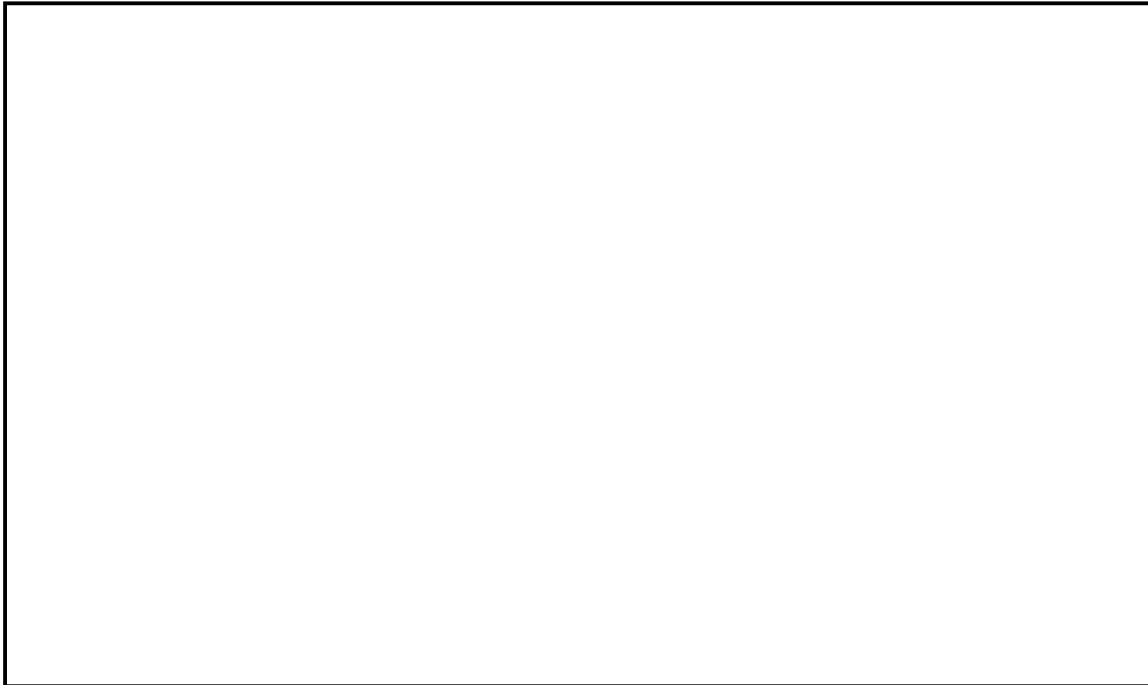
³⁹ United States Department of Justice, Office of the Inspector General, Oversight and Review Division, "A Review of the FBI's Investigation of Certain Domestic Advocacy Groups." September 2010. 173.

⁴⁰ United States Department of Justice, Office of the Inspector General, Oversight and Review Division, "A Review of the FBI's Investigation of Certain Domestic Advocacy Groups." September 2010. 93-124.

⁴¹ United States Department of Justice, Office of the Inspector General, Oversight and Review Division, "A Review of the FBI's Investigation of Certain Domestic Advocacy Groups." September 2010.

[Redacted area]

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As should be clear from the above, I have the ability and firm intention to disseminate to the public significant expansions of understanding of government operations based on analysis of the requested disclosures.

iii) Disclosure Not Sought Primarily for Commercial Use:

An agency must apply a balancing test to determine whether the public interest is of a greater magnitude than that of the commercial interest of the requester. "A fee waiver or reduction is justified where the public interest standard is satisfied and that public interest is greater in magnitude than that of any identified commercial interest in disclosure." 28 C.F.R. § 16.11(k)(2).

⁵⁴ <http://www.google.com/search?client=safari&rls=en&q=%22The+FBI+and+a+previously-unknown+informant+in+the+animal+rights+movement+%22&ic=UTF-8&oe=UTF-8>

⁵⁵ For example, see <http://www.animalrightszone.com/2005/animal-rights-movement/rights/&query=fbi+>

⁵⁶ For example, see <http://drstevebest.wordpress.com/2010/12/08/fbi-file-reveals-discussion-of-discrediting-animal-rights-activists-by-planting-rumors/>

⁵⁷ For example, see <http://tprime.info/disinfo-never-dies-fbi-file-reveals-discussion-of-discrediting-animal-rights-activists-by-planting-rumors>

⁵⁸ For example, see <http://freepeltiernow.blogspot.com/2010/12/cointelpro-never-went-away-fbi-file.html>

⁵⁹ It should also be noted that Facebook is now the single most visited website in the United States. <http://www.brecorder.com/news/it-and-computers/world/1138685.news.html>

⁶⁰ Will Potter. *Green is the New Red: An Insider's Account of a Social Movement Under Siege* (City Lights Publishers, 2011).

In my case, the results of this balancing test are clear: I am seeking the release of the requested documents primarily for a public interest, not for a commercial use. As detailed above, I am requesting the release of documents to analyze for use in my dissertation, book, scholarly and popular articles, scholarly and popular lectures, and scholarly and popular exhibits. Though scholars do occasionally get paid for some of the above, this is not generally the case, and when it does occur the sums are modest. ~~Most crucially, payment is not the primary purpose for which such work is conducted~~

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With good reason therefore, many federal agencies have a default policy of considering academic research inherently non-commercial. For instance, the Department of Defense's website on the Freedom of Information Act states, "scholars writing books or engaged in other forms of academic research, may recognize a commercial benefit, either directly, or indirectly (through the institution they represent); however, normally such pursuits are primarily undertaken for educational purposes, and the application of a fee charge would be inappropriate."⁶¹

More so, the judicial case histories concerning similar scholarly requests for waivers of fees pertaining to Freedom of Information Act requests solidly support my contention that my request for the release of documents is primarily in the public interest and is not pursuant of primarily commercial ends.

In *Cambell 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 that, "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.

⁶¹ <http://www.dod.gov/pubs/foi/feewaiver.html>

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 documents from the FBI pertaining to investigations of members of a dissident political group, the court noted, "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 release of documents is in crucial ways identical to the situations described in the case law above. I seek documents 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 documents will significantly benefit the public interest, and this benefit to the public is of vastly greater magnitude than my minimal commercial interest.

Additionally, as also detailed in *Ettlinger v. FBI*, 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:

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* 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.*

As discussed in considerable detail above, the release of records stemming from this request will significantly contribute to significant expansion of public understanding of government operations concerning vital issues at the very highest levels of public interest in American governmental operations and the regulation thereof. Further, the information contained in the intended release is not available elsewhere and can only be obtained through the requested release. *For these reasons, and in keeping with former United States Attorney General Civiletti's instructions concerning scholars who are engaged in significant historical research, I request that a "complete rather than partial waiver" of duplication and search fees be granted.*⁶²

iv) 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

⁶² *Ettlinger v. FBI*, 596 F. Supp. 867, 874 (D. Mass. 1984).

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).

Additionally, the courts have been equally clear that, in order to satisfy this public interest requirement, "the public" to be benefitted by a release of information 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 above substantially demonstrated that the population groups (scholarly and otherwise) significantly benefitted by my analysis of the requested release are far larger than me alone. As such, I have more than satisfied the requirement for a fee waiver.

v) Additional Note on Journalistic 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 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 above, I clearly satisfy this description.

Further, the OPEN Government Act of 2007's definition of "a representative of the news media" is taken nearly verbatim from language used by the United States Court of Appeals, District of Columbia Circuit in the court's 1989 FOIA fee waiver-

oriented ruling in *National Security Archive v. Department of Defense*.⁶³ As the court also relatedly found in *National Security Archive v. Department of Defense*, a requester need not already have published numerous works in order to qualify as a representative of the news media. The court found that the express "intention" to publish or disseminate analysis of requested documents amply satisfies the above noted requirement for journalists to "publish or disseminat[e] information to the public." *National Security Archive v. Department of Defense*, 880 F.2d 1386, (D.C. Cir, 1989). As detailed herein, I have already publicly disseminated significant analysis of documents obtained through FOIPA requests and other research methodologies. I have demonstrated my ability to continue disseminating significant analysis of documents obtained through FOIPA requests and other research methodologies. And I have expressed a firm intention to continue disseminating significant analysis of documents obtained through FOIPA requests and other research methodologies

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." As such, I have again more than satisfied the requirement for a fee waiver.⁶⁴

vi) Letter of Support, Historical:



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⁶³ The language in *National Security Archive v. Department of Defense* reads, "A representative of the news media is, in essence, a person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn raw materials into a distinct work, and distributes that work to an audience." *National Security Archive v. Department of Defense*, 880 F.2d 1381, 1387 (D.C. Cir, 1989).

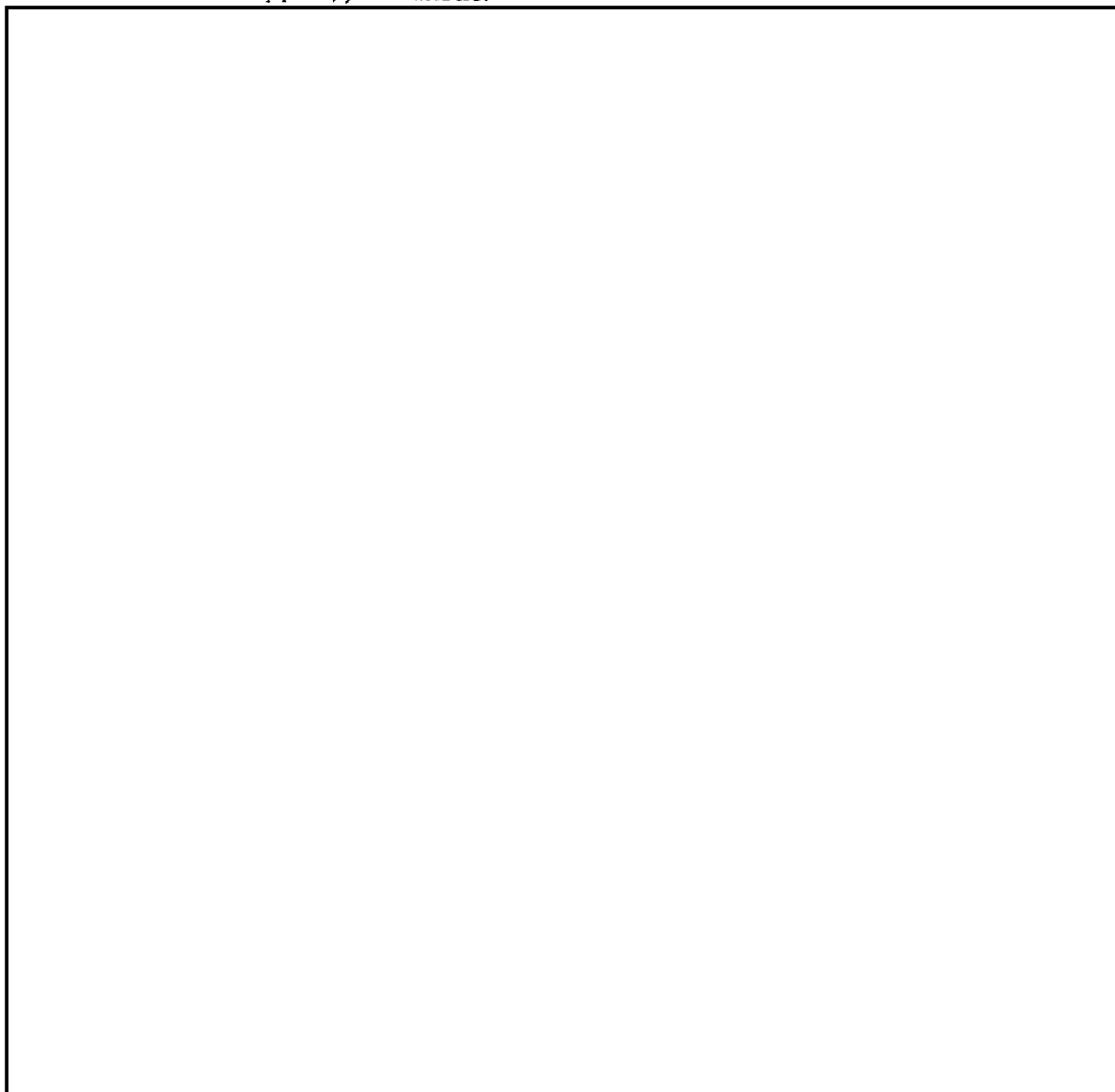
⁶⁴ Though the courts have subsequently narrowed the applicability of the *National Security Archive v. Department of Defense* ruling in terms of requirements to qualify as a representative of the news media (most notably in *Judicial Watch, Inc. v. United States Department Of Justice*), I still solidly 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. I have identified articles, an exhibit, and a book within which I firmly intend to, and in some cases already have, disseminate(d) my analysis of requested information. I have identified another news media representative whom I have already fruitfully provided my analysis of requested information, and with whom I firmly intend to continue collaborating on future dissemination of requested information. Ultimately, in contrast to *Judicial Watch*, which the court found to "merely make available [] the requested information," I have established "a firm intention to disseminate" my analysis of the requested information. See *Judicial Watch, Inc. v. United States Department of Justice*, 185 F.Supp. 2d 54, 59 (D.D.C. 2002).

⁶⁵ *Ettlinger v. FBI*, 596 F. Supp. 867, 875 (D. Mass. 1984).



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vii) Letter of Support, Journalistic:



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⁶⁶ *Ettlinger v. FBI*, 596 F. Supp. 867, 875 (D. Mass. 1984).

⁶⁷ <http://www.greenisthenewred.com/blog/bio/>

⁶⁸ <http://www.greenisthenewred.com/blog/bio/>

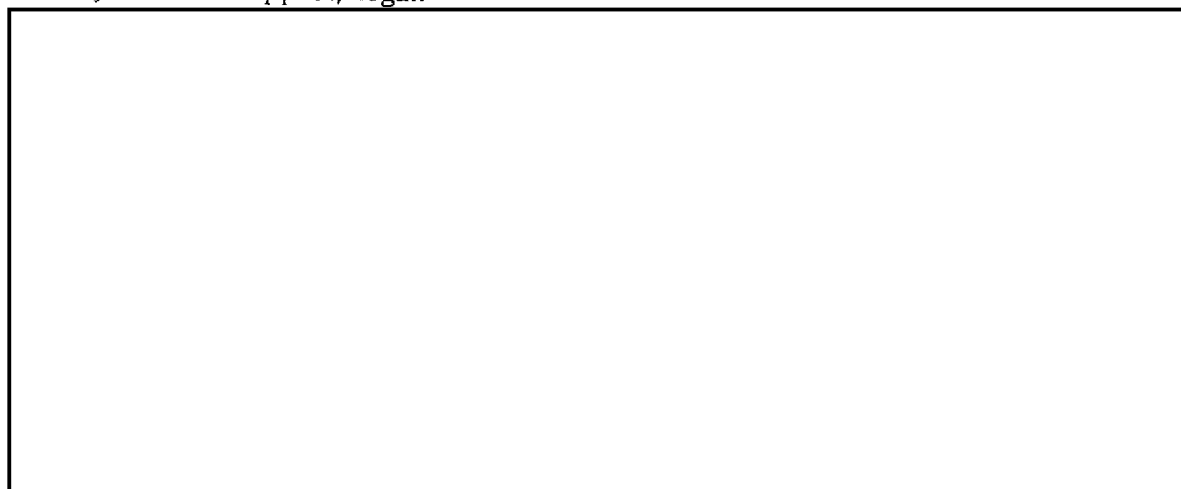
⁶⁹ <http://www.google.com/search?client=safari&rls=en&q=%22The+FBI+and+a+previously-unknown+informant+in+the+animal+rights+movement+%22&ie=UTF-8&oe=UTF-8>

⁷⁰ For example, see <http://www.animalrightszone.com/2005/animal-rights-movement/rights/&query=fbi+>

⁷¹ For example, see <http://drstevebest.wordpress.com/2010/12/08/fbi-file-reveals-discussion-of-discrediting-animal-rights-activists-by-planting-rumors/>



viii) Letter of Support, Legal:



In summation, the disclosure of the requested information will significantly contribute to expanded public understanding of government operations and activities. I have the firm intention and ability to disseminate this significant expansion of public understanding of government operations and activities. The public interest in this significant expansion of public understanding of government operations and activities far outweighs any commercial interest of my own. Accordingly, my request for a full waiver of fees amply satisfies the rules of 28 C.F.R. § 16.11(k)(2). Legislative history and judicial authority emphatically support this determination. For these reasons, and based upon their extensive elaboration above, I request that a full waiver of search and duplication fees for my FOIPA request for any and all information relating or referring

⁷² For example, see <http://tprime.info/disinfo-never-dies-fbi-file-reveals-discussion-of-discrediting-animal-rights-activists-by-planting-rumors>

⁷³ For example, see <http://freepeltiernow.blogspot.com/2010/12/cointelpro-never-went-away-fbi-file.html>

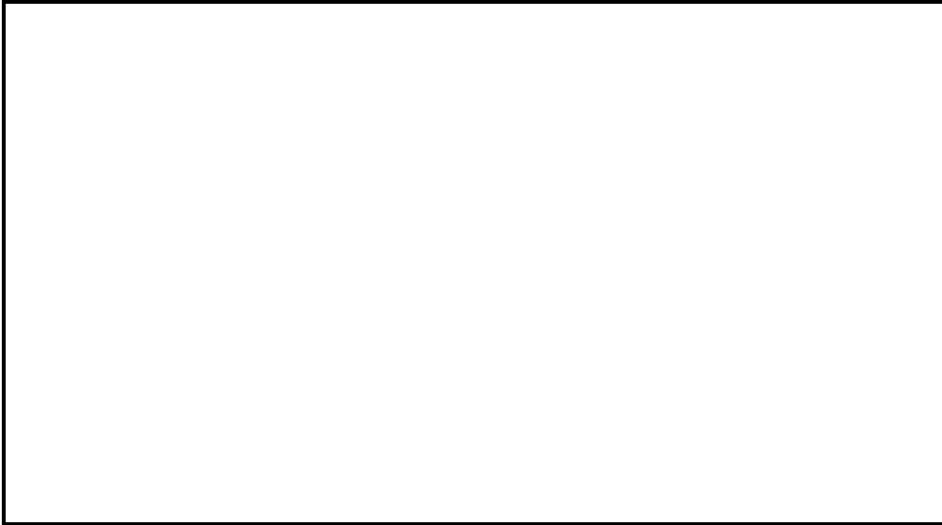
⁷⁴ <http://www.greenisthenewred.com/blog/fbi-file-reveals-discussion-of-discrediting-animal-rights-activists-by-planting-rumors/3282/>

⁷⁵ *Ettlinger v. FBI*, 596 F. Supp. 867, 875 (D. Mass. 1984).

to be granted. I will appeal any denial of this request for a waiver of fees to the Department of Justice's 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 this matter.



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U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

May 3, 2010

[Redacted]

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Dear [Redacted]

This letter is in reference to your Freedom of Information Act (FOIA) requests listed below:

<u>FOIA Number</u>	<u>Subject</u>	<u>Potentially Responsive pages</u>
1146934-000	[Redacted]	934
1144394-000	IN DEFENSE OF ANIMALS	217
1143471-000	[Redacted]	1398
1143469-000	MAURICE BOLKS VISSCHER	293
1143549-000	ANIMAL LIBERATION FRONT	12813
1144152-000	SOCIETY FOR ANIMAL RIGHTS	55

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Based on your correspondence, we have determined that the subjects of your requests are similar in nature (animal rights), therefore you will be charged aggregate fees. The authority to charge aggregate fees is located in Title 28 Code of Federal Regulations, Section 16.11, Subsection (h).

Pursuant to Title 28, Code of Federal Regulations, Sections 16.11 and 16.49, there is a fee of ten cents per page for duplication. No fees are assessed for the first 100 pages. You have already received 129 free pages (see attached enclosures). For further processing of the above requests, please indicate your willingness to pay aggregate fees.

Appeals should be directed in writing to the Director, Office of Information Policy, U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001. Your appeal must be received by OIP within thirty (30) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIA Request Numbers assigned to your requests so that they may be identified easily.

Sincerely yours,

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

Enclosures

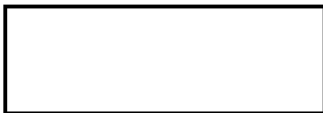


U.S. Department of Justice

Federal Bureau of Investigation

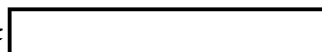
Washington, D.C. 20535

May 24, 2011



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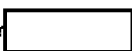
Subject:



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FOIPA No. 1161727- 000

Dear



The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Deletions have been made to protect information which is exempt from disclosure, with the appropriate exemptions noted on the page next to the excision. In addition, a deleted page information sheet was inserted in the file to indicate where pages were withheld entirely. The exemptions used to withhold information are marked below and explained on the enclosed Form OPCA-16a:

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

411 page(s) were reviewed and **223** page(s) are being released.

Documents were located which originated with, or contained information concerning other Government agencies (OGA). This information has been:

referred to the OGA for review and direct response to you.

referred to the OGA for consultation. The FBI will correspond with you regarding this information when the consultation is finished.

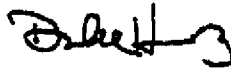
You have the right to appeal any denials in this release. Appeals should be directed in writing to the Director, Office of Information Policy, U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Number assigned to your request so that it may be easily identified.



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

See additional information which follows.

Sincerely yours,



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

Enclosure(s)

The enclosed documents contained in Charlotte and Norfolk Field Office files 70B-CE-70616, section 1, 70B-CE-70616-Sub A, and 266A-NF-34723 represent the first interim release of information responsive to your Freedom of Information-Privacy Acts (FOIPA) request.

No records responsive to your Baltimore FOIA request were located by a search of the automated and manual indices.

A search of the FBI Headquarters electronic surveillance indices has been conducted, and no responsive record which indicates that [redacted] has ever been the target of electronic surveillance was located.

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Because your FOIA requests are similar in scope and content, they constitute a series of related requests, and you are being charged aggregate duplication fees for all of your requests. The authority to charge aggregate fees is located in Title 28, Code of Federal Regulations, Section 16.11(h).

Upon receipt of the enclosed CD-ROM, please make a check or money order, payable to the Federal Bureau of Investigation in the amount of \$15.00 and remit payment to the Work Process Unit, Record/Information Dissemination Section, Records Management Division, Federal Bureau of Investigation, 170 Marcel Drive, Winchester, VA 22602. Please include the FOIPA request number with your payment. If we do not receive this payment within thirty (30) days from the date of this letter, your request will be closed.

Certification of Identity



FORM APPROVED OMB NO. 1103-0016
EXPIRES 10/31/13

Privacy Act Statement. In accordance with 28 CFR Section 16.41(d) personal data sufficient to identify the individuals submitting requests by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required. The purpose of this solicitation is to ensure that the records of individuals who are the subject of U.S. Department of Justice systems of records are not wrongfully disclosed by the Department. Requests will not be processed if this information is not furnished. False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 552a(i)(3).

Public reporting burden for this collection of information is estimated to average 0.50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Suggestions for reducing this burden may be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, Public Use Reports Project (1103-0016), Washington, DC 20503.

Full Name of Requester ¹

Citizenship Status ² US citizen Social Security Number ³

Current Address

Date of Birth Place of Birth

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

Signature ⁴ Date 6-23-11

OPTIONAL: Authorization to Release Information to Another Person

This form is also to be completed by a requester who is authorizing information relating to himself or herself to be released to another person.

Further, pursuant to 5 U.S.C. Section 552a(d), I authorize the Department of Justice to release any and all information relating to me to:

Print or Type Name

¹ Name of individual who is the subject of the record(s) sought.

² Individual submitting a request under the Privacy Act of 1974 must be either "a citizen of the United States or an alien lawfully admitted for permanent residence," pursuant to 5 U.S.C. Section 552a(a)(2). Requests will be processed as Freedom of Information Act requests pursuant to 5 U.S.C. Section 552, rather than Privacy Act requests, for individuals who are not United States citizens or aliens lawfully admitted for permanent residence.

³ Providing your social security number is voluntary. You are asked to provide your social security number only to facilitate the identification of records relating to you. Without your social security number, the Department may be unable to locate any or all records pertaining to you.

⁴ Signature of individual who is the subject of the record sought.

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FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1363980-0

Total Deleted Page(s) = 4

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FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1363980-0

Total Deleted Page(s) = 7

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06/28/11

Freedom of Information and Privacy Acts request for information on a living person [redacted]

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To: Federal Bureau of Investigation
Record/Information Dissemination Section

This letter constitutes a formal request under the U.S. Freedom of Information and Privacy Acts (5 U.S.C. §552/552a) and the regulations promulgated thereunder. Please analyze the requested material under both 5 U.S.C. §552 and 5 U.S.C. §552a in order to produce the maximum number of results.

REQUESTER INFORMATION:

[Large redacted area for requester information]

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Information Sought:

I request disclosure of any and all records that were prepared, received, transmitted, collected and/or maintained by the FBI, the National Joint Terrorism Task Force, or any Joint Terrorism Task Force relating or referring to the living person [redacted]

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Name: [redacted]
Date of Birth: [redacted]
Place of Birth: [redacted]
Current address: [redacted]
Social Security #: [redacted]

Attached please find [redacted] Privacy Waiver and Certification of Identity.

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Request for FBI Headquarters, Field Office, and Task Force Office Searches:

I request that a complete and thorough search for any and all materials relating or referring to [REDACTED] be conducted in any and all indices, filing systems, and locations pertaining to any and all materials prepared, received, transmitted, collected and/or 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.

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Request for Main File and Cross-Reference searches:

I request that a search of all main file *and cross-reference* indices and indexes, as well as of all electronic and manual indices and indexes, be conducted for materials relating or referring to [REDACTED]

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This request includes, but is not limited to, documents, reports, memoranda, letters, electronic files, "See Also" files, "Do Not File" files, "Official & Confidential" files, numbered and lettered subfiles, 1A envelopes, enclosures behind files (EBF's), "Personal & Confidential" files, photographs, audio tapes & videotapes, electronic or microphone surveillance (ELSUR or MISUR), or photographic surveillance, "JUNE" files, "Obscene" Files, "Subversive" Indexes, Bulky Exhibits, control files, mail covers, trash covers; and any index citations relating to [REDACTED] or referencing [REDACTED] ("see also") in other files. I request that all records be produced with the administrative markings and that all reports include the administrative pages.

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Please search *all* of your indices and indexes and interpret this request broadly.

Request for ELSUR, MISUR, and FISUR searches:

As part of the above request, I request that a search of all electronic, microphone, and physical surveillance indices and indexes for any and all records relating or referring to [REDACTED] be conducted.

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Request for electronic and paper searches:

As part of the above request, I request that a search of all electronic and paper records for any and all materials relating or referring to [REDACTED] be conducted.

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Request for ticklers:

As part of the above request, I request that a search for any and all "ticklers" relating or referring to [REDACTED] be conducted.

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Request for Additional Included References:

As part of the above request, I request that any references to the below living and deceased individuals contained in the above-requested release [redacted] be provided to me unredacted. These below individuals have all provided me with signed privacy waivers pursuant of this end, or I have obtained obituaries for them. I have already submitted copies of all of these privacy waivers and obituaries in my 21 June 2011 FOIPA request for information on [redacted]. Please use these previously submitted privacy waivers and obituaries in processing this present FOIPA request [redacted].

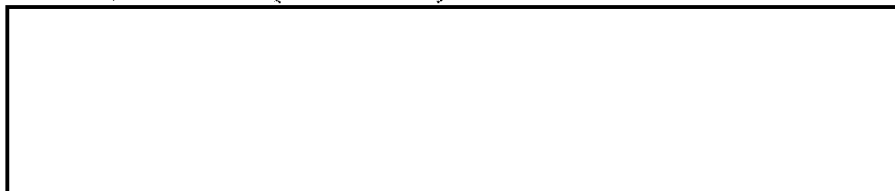
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-Amory, Cleveland (1917-1981)



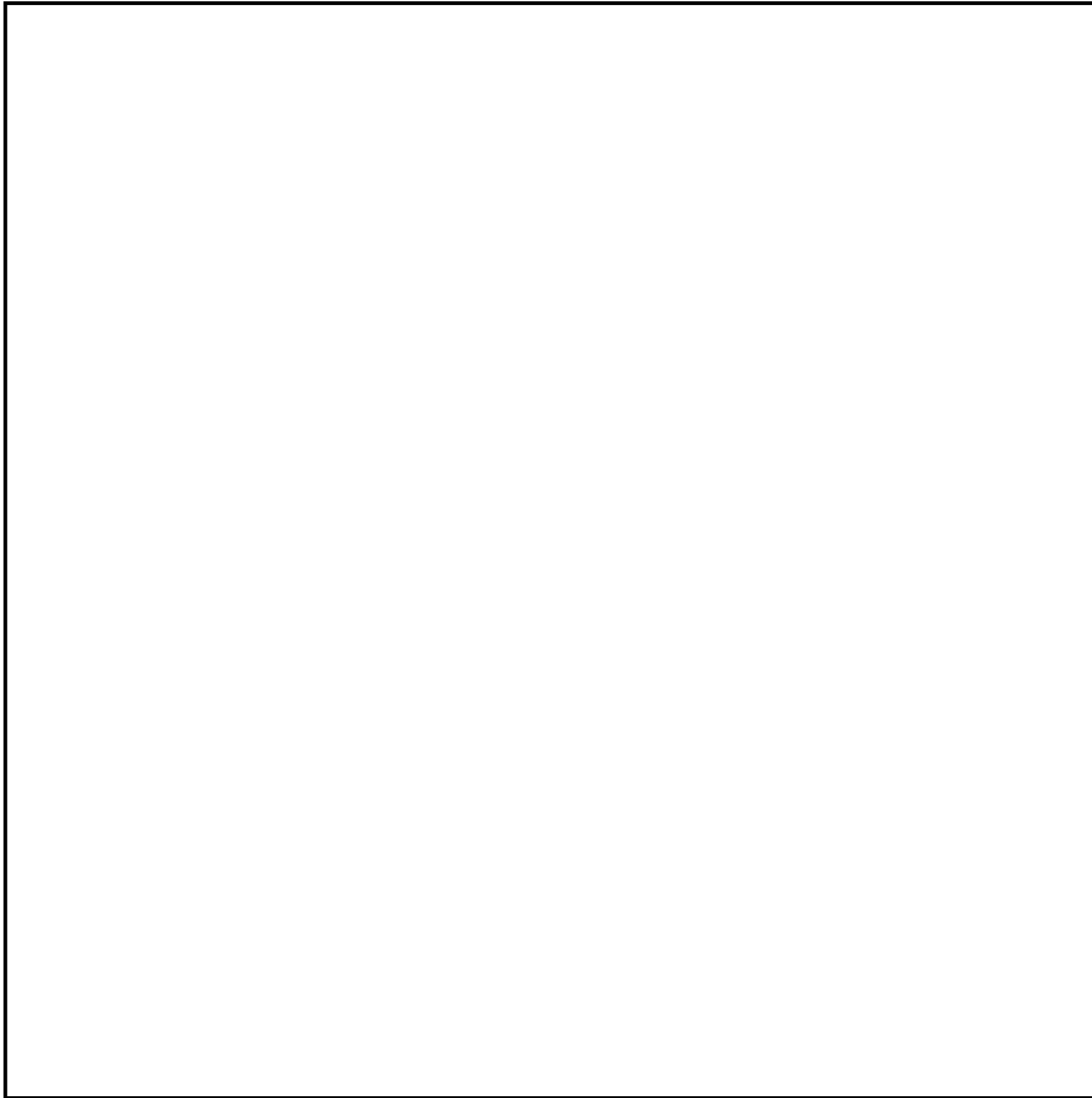
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-Cate, Dexter L. (1943-1990)



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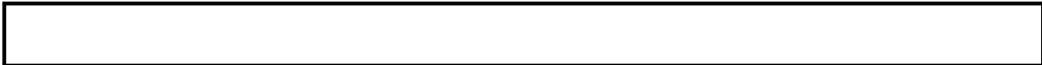


-Herrington, Alice (ca. 1919-1994)



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-Hutto, Henry (1953-2003)



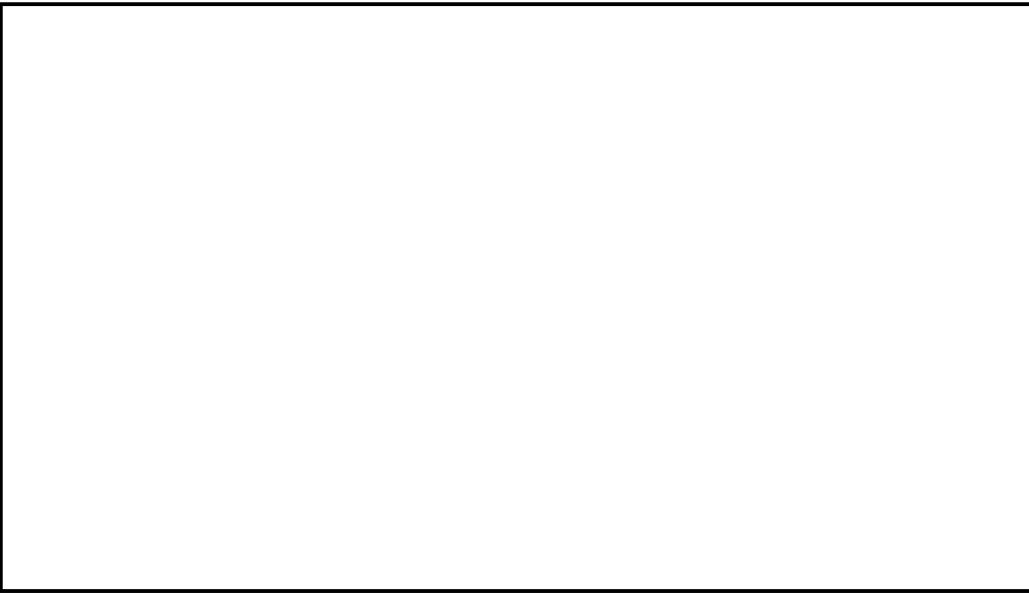
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-Jones, Helen (?-1998)



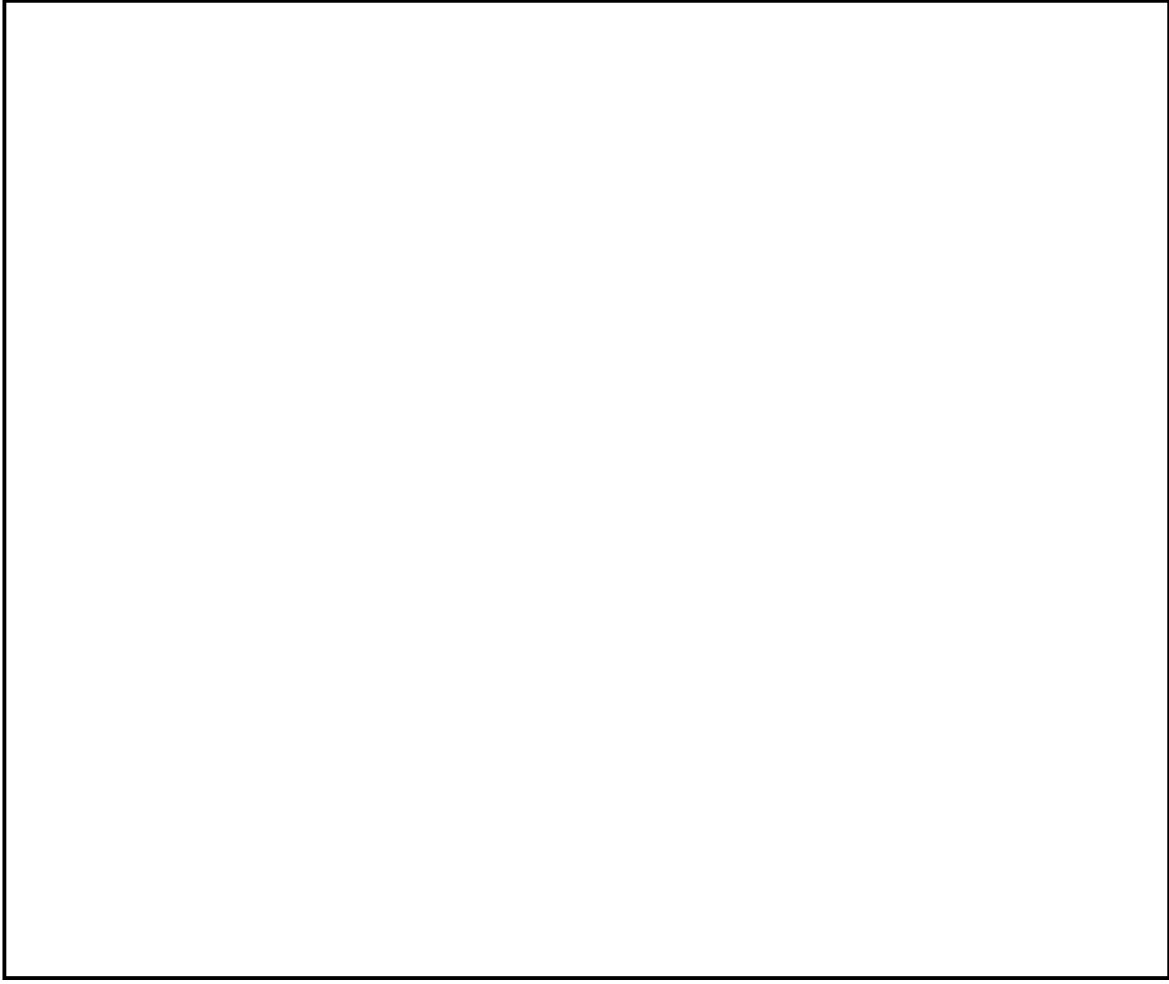
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b6



-Myers, Fred (1904-1963)

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-Seiling, Eleanor (ca. 1907-1985)



b6



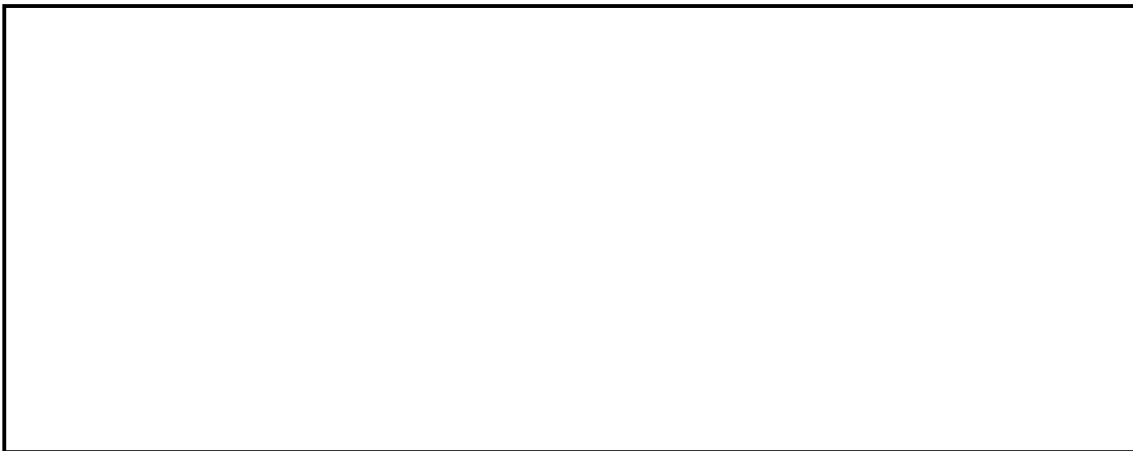
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-Spira, Henry (1927-1998)



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-Stewart, Leslie (1936-2009)



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-Troen, Roger (1931-2008)



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Request for FOIA Search Slip:

As part of the above request, I request that a copy of the **FOIA Search Slip** generated as a result of this request be provided to me.

Exemptions:

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.¹

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

Nevertheless, 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.

In excising material, please "black out" the material rather than "white out" or "cut out." I expect, as provided by FOIA, that the remaining non-exempt portions of 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.

¹ 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/>

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.

Format:

I request that any releases stemming from this request be provided to me in digital format on a compact disk or other like media.

Additionally:

Please place any "missing" files pertaining to this request on "special locate" and advise me that you have done this.

Please send a memo (copy to me) to the appropriate units in your office to assure that no records related to this request are destroyed. Please advise of any destruction of records and include the date of and authority for such destruction.

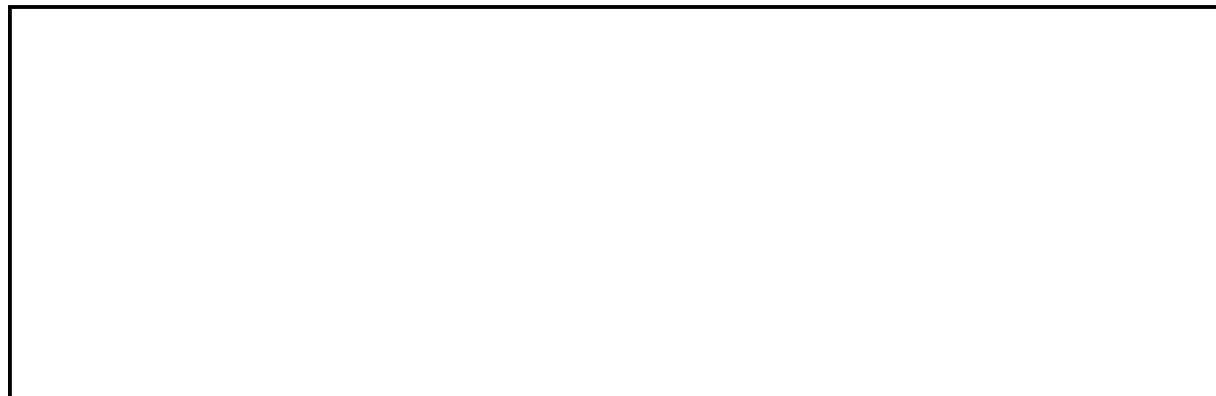
Payment:

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.'").

As detailed below, 1) The subject of the requested records concerns the operations of government. 2) The disclosure of the requested information is likely to significantly contribute to greater understanding of government operations. 3) The disclosure of the requested information will significantly contribute to greater public understanding of government operations. 4) I have the ability and intention to disseminate said information to the public. 5) My dissemination of the requested information will contribute significantly to expanded public understanding of government operations.

(i) Disclosure of Documents Will Significantly Contribute to Public Understanding of Government operations:

The disclosure of the documents I requested is in the public interest because the information is likely to contribute significantly to public understanding of the operations or activities of government and is not primarily in my commercial interest. 28 C.F.R. § 16.11(k)(2). As stated in the legislative history, "A requester is likely to contribute significantly to public understanding if the information disclosed is new; supports public oversight of agency operations; or otherwise confirms or clarifies data on past or present operations of the government." 132 Cong. Rec. H9464 (Reps. English and Kindness). This request amply satisfies these requirements.



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The animal rights movement is a major American social and political movement that is daily engaged in heated controversies with government agencies. It is one of the most controversial and quickly growing social movements in the United States, and volumes upon volumes of new scholarly and popular literature on the animal rights movement are produced each year. Even the most cursory investigation demonstrates the tremendous general public interest, as well as scholarly interest, in the animal rights movement. A quick search for "animal rights" on Google.com yields "about 3,950,000" results. An Amazon.com "book search" for "animal rights" yields 1,512 results. And a search for "animal rights" on the scholarly article search engine JSTOR yields 4,104 results. Even the FBI's own website yields dozens upon dozens of search results for "animal rights."²

The FBI is the leading law enforcement and domestic counter-terrorism governmental agency in the United States. As with the animal rights movement, even the most cursory of investigations demonstrates the tremendous general public interest, as well as scholarly interest, in the operations of the FBI. A quick search for "Federal Bureau of Investigation" on Google.com yields "about 2,600,000" results. An Amazon.com "book search" for "Federal Bureau of Investigation" yields 1,480 results. And a search for "Federal Bureau of Investigation" on the scholarly article search engine JSTOR yields 4,611 results.³ In particular, the FBI's

² Searches conducted on 29 May 2010.

³ Searches conducted on 9 March 2011.

investigations of, and at times campaigns against, American social justice and advocacy organizations remain among the most controversial of FBI and domestic U.S. governmental operations.⁴

As my research demonstrates, the FBI has played a profound, shifting, and deeply controversial role in the evolution of the animal rights movement and its efforts to protect animals. Relatedly, and as discussed in part below, the animal rights movement has played a profound, shifting, and deeply controversial role in the evolution of the FBI's understanding of its own mission. Further, the often hidden intersections of the animal rights movement and FBI operations have played profound, shifting, and again deeply controversial roles in defining the meanings and limits of "terrorism," "national security," and "free speech" in the United States.

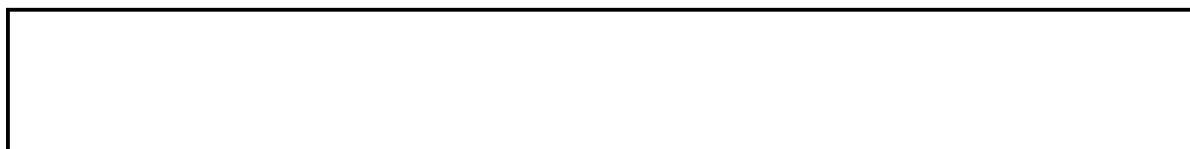
To date, almost no scholarly information, and little other information, is available to scholars or the broader public on these vital issues. Further, the little information on these matters that is currently available to scholars and the broader public is almost entirely based upon press articles, interviews with activists, and to a lesser extent, court records. Virtually none of this already minimal information builds upon the internal records of the FBI. FBI records pertaining to the Bureau's understanding and handling of the animal rights movement contain vital information on these matters that is not available through any other sources.⁵ As such, these highly controversial

⁴ This point is explored further below. However, for further evidence of the consistently controversial nature of FBI operations concerning American social justice and advocacy organizations, one need look no further than popular and scholarly attention to COINTELPRO (Counter Intelligence Program), the FBI's infamous 1950s-1970s assaults on the civil liberties of American advocacy organizations. A quick search for "COINTELPRO" on Google.com yields "about 362,000" results. An Amazon.com "book search" for "COINTELPRO" yields 111 results. And a search for "COINTELPRO" on the scholarly article search engine JSTOR yields 272 results. (Searches conducted on 9 March 2011). Further, the FBI's understanding and handling of the animal rights movement is increasingly compared to COINTELPRO. (For example, see GreenIsTheNewRed.com). My research directly examines these connections. Already, and as discussed below, FBI documents obtained by me through FOIA requests, and my analysis of these documents, have been used by an award-winning journalist to highlight the similarities between the FBI's COINTELPRO program and its current handling of the animal rights and environmental movements. See <http://www.greenisthenewred.com/blog/fbi-file-reveals-discussion-of-discrediting-animal-rights-activists-by-planting-rumors/3282/>

⁵ Scholarly analysis of FOIA-obtained FBI records is a well-accepted research methodology. 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

topics concerning government operations, national security, and free speech are not only grossly under-examined, but the few examinations that even begin to touch upon them neglect to examine the key sources that would by far shed the most light upon the nature and evolution of the FBI's deeply consequential and controversial understanding and handling of the animal rights movement. Pursuant of correcting these vast gaps in public understanding of government operations, I have requested through the Freedom of Information Act, and will continue to request, information held by the FBI pertaining to key individuals, organizations, and events related to the FBI's role in animal use and protection conflicts from the pre-World War II period to the present. As detailed below, the disclosure of information held by the FBI pertaining to its understanding and handling of [REDACTED] will significantly contribute to my research into the intersections of the animal rights movement and FBI operations, and as such will significantly contribute to expanded public understanding of government operations, as well as support the public oversight of government agencies.

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The FBI is unambiguous about the significant public importance of the militant/extremist animal rights movement, and especially of the movement's direct action tactics employed and espoused by activists such as [REDACTED].⁶ Further, the FBI is especially unambiguous about the even greater significant public importance of the FBI's own handling of the militant/extremist animal rights movement and its associated direct action techniques. Even a quick search for "animal rights" on the FBI's own webpage reveals dozens of hits with titles such as "Addressing the Threat of Animal Rights Extremism and Eco-Terrorism" (Senate testimony), "Animal Rights

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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). And, while I am the first scholar to systematically request and analyze FBI documents pertaining to the Bureau's understanding and handling of the animal rights movement, for an example of scholarly analysis of Canadian Access to Information Act-obtained intelligence agency records pertaining to Canadian governmental suppression of animal rights activists, see Kevin Walby and Jeffrey Monaghan's "Private Eyes and Public Order: Policing and Surveillance in the Suppression of Animal Rights Activists in Canada," *Social Movement Studies* (Vol. 10, No. 1, 21-37, January 2011).

⁶ Conversation between the author and [REDACTED]

Also see [http://www.animalrights.net/tag/\[REDACTED\]](http://www.animalrights.net/tag/[REDACTED])

⁷ For one example among many, see Deputy Assistant Director, Counterterrorism Division, FBI, John E. Lewis, "Addressing the Threat of Animal Rights Extremism and Eco-Terrorism." Testimony before United States Senate Committee on Environment and Public Works. 18 May 2005. Available online at: <http://www.fbi.gov/news/testimony/addressing-the-threat-of-animal-rights-extremism-and-eco-terrorism/?searchterm=%22animal%20rights%22>

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Extremism and Ecoterrorism" (Senate testimony), and "Investigating and Preventing Animal Rights Extremism" (Senate testimony).⁹ The special significance of "direct action" animal rights tactics, such as those employed and advocated by [REDACTED] are repeatedly singled out by the FBI in the above testimony and throughout the search results for "animal rights" on the FBI website.⁹ Indeed, as of 2005, FBI Deputy Assistant Director John Lewis asserted, "The No. 1 domestic terrorism threat is the eco-terrorism, animal-rights movement[.]"¹⁰

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Given that the FBI itself repeatedly and insistently affirms the significant public threat to American national security posed by militant/extremist animal rights activists and their direct action tactics, and the even greater public significance of the FBI's aggressive and much-touted responses to militant/extremist animal rights activists and their direct action tactics, the disclosure by the FBI of information pertaining to its understanding and handling of the militant/extremist animal rights direct action activist [REDACTED] will significantly contribute to expanded public understanding of government operations concerning the maintenance of American national security in the face of domestic terrorism.

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Relatedly, the significant public interest in the disclosure of information pertaining to the FBI's understanding and handling of [REDACTED] is further supported by the existence of an ongoing public controversy over the FBI's designation of the militant animal rights and environmental movements as "The No. 1 domestic terrorism threat" faced by the United States today.¹¹ Given, as the FBI concedes, that no animal rights or environmental organization has ever physically injured a single person in the movements' decades of existence in the United States, many persons and organizations from across the political spectrum have openly questioned the merit and wisdom of designating the animal rights movement as the leading domestic terror threat.¹²

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For example, Henry Schuster, a senior producer in CNN's investigative unit who has covered terrorism for CNN for over a decade, wrote a 24 August 2005 article for CNN.com titled, "Who's Most Dangerous?: Eco-terrorists are now above ultra-right extremists on the FBI charts."¹³ In this article, CNN's Schuster is highly critical of the FBI's decision to designate the animal rights movement as more dangerous to the

⁹ <http://www.fbi.gov/search?SearchableText=%22animal+rights%22>

⁹ <http://www.fbi.gov/search?SearchableText=%22animal+rights%22>

¹⁰ Schuster, Henry. "Who's Most Dangerous?: Eco-terrorists are now above ultra-right extremists on the FBI charts." CNN.com, 24 August, 2005.

See also, "Associated Press. "FBI surprise on top Domestic Terror Threat: It's not abortion foes or Klan, but animal and eco-extremists." MSNBC.com, 19 May 2005.

¹¹ Schuster, Henry. "Who's Most Dangerous?: Eco-terrorists are now above ultra-right extremists on the FBI charts." CNN.com, 24 August, 2005.

¹² Ibid.

¹³ Ibid.

United States than right-wing militia groups and violent racist organizations with long histories of extreme violence against persons and murder.

Especially vocal on this point, and quoted at length in Schuster's article, is Mark Potok of the Southern Poverty Law Center, a leading civil rights organization that has tracked hate crimes and violent extremism in the United States for decades. Though no fan of the animal rights movement, Potok is adamant that, "It is simply ludicrous to describe animal rights and eco-terrorism as the No. 1 threat. [...] It is difficult to understand how the leaders of our major national security organizations can see it this way."¹⁴ According to Schuster, "Potok thinks politics is behind the decision: Political pressure from the White House and conservative Republicans toward the environmental movement is, in part, the reason eco-terrorism is now the priority, he said."¹⁵

Both CNN's Henry Schuster and the Southern Poverty Law Center's Mark Potok are deeply concerned by the ramifications of what they perceive to be the FBI's political rather than security-oriented criteria for calculating America's domestic terror priorities. Asserts Schuster, "[I]f you are the FBI or Department of Homeland Security, your domestic terror priority drives how finite resources are allocated -- especially when so much attention and money is focused on al Qaeda and international terror."¹⁶ Follows Potok, "My worry is that, [because of the political designation of animal rights organizations as America's leading domestic terror threats,] just as in the years running up to the Oklahoma City bombing, ... we will ignore a world of violence emanating from our own extreme right."¹⁷

Similarly, award-winning independent journalist Will Potter¹⁸ regularly invokes the FBI's designation of animal rights organizations as the nation's leading domestic terror threats as evidence of widespread political exploitation of post 9-11 concerns over domestic terrorism.¹⁹ For example, Potter questions the wisdom, legitimacy, and consequences of FBI priorities that classify as "not terrorists" individuals and organizations including a tax protester who flew a plane into an IRS building in Texas²⁰, militia members who incited brick attacks on lawmakers' offices²¹, and a white supremacist anti-Semite who murdered a guard at the National Holocaust

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ <http://www.greenisthenewred.com/blog/bio/>

¹⁹ For three (of many) examples of Potter's treatment of the issue, see:

<http://www.greenisthenewred.com/blog/video-number-one-domestic-terrorism-threat/2651/>

[http://www.greenisthenewred.com/blog/tea-party-](http://www.greenisthenewred.com/blog/tea-party-terrorist/2616/)

[terrorist/2616/http://www.greenisthenewred.com/blog/joseph-andrew-stack-not-terrorist-irs/2529/](http://www.greenisthenewred.com/blog/joseph-andrew-stack-not-terrorist-irs/2529/)

<http://www.greenisthenewred.com/blog/green-scare/>

²⁰ <http://www.greenisthenewred.com/blog/joseph-andrew-stack-not-terrorist-irs/2529>

²¹ <http://www.greenisthenewred.com/blog/tea-party-terrorist/2616/>

Museum²², while militant/extremist animal rights organizations, which, as the FBI concedes, have never physically injured a single person in American history, are designated the leading domestic terror threat. Writes Potter, "Focusing scarce anti-terrorism resources on animal rights and environmental activists, while there are clearly domestic groups who have, and will continue, to carry out physical violence, puts all Americans at risk. Perhaps if the government spent less time preparing for attacks by environmentalists, events like this [the deadly 19 February 2010 suicide plane attack on the Austin IRS building] could be prevented."²³

Even the Department of Justice (DOJ) itself has openly criticized the FBI's designation of animal rights activists (and other similar social activist groups) as a domestic terror priority. In a 2003 DOJ audit of the FBI, the DOJ found that the FBI should,

Consider transferring responsibility for investigating crimes committed by environmental, animal rights, and other domestic radical groups or individuals from the Counterterrorism Division to the Criminal Investigative Division, except where a domestic group or individual uses or seeks to use explosives or weapons of mass destruction to cause mass casualties. [...] To the extent that the FBI seeks to maximize its counterterrorism resources to deal with radical Islamic fundamentalist terrorism, WMD, and domestic groups or individuals that may seek mass casualties, we believe that FBI management should consider the benefit of transferring responsibility for criminal activity by social activists to the FBI's Criminal Investigative Division. Although the activities of such groups fall under the FBI's definition of domestic terrorism, a more focused definition may allow the FBI to more effectively target its counterterrorism resources.²⁴

The disclosure by the FBI of information pertaining to its understanding and handling of militant/extremist animal rights direct action activist [redacted] will significantly contribute to expanded public understanding of government operations concerning the designation of domestic terror priorities and the allocation of resources between domestic terror priorities, as well as support the public oversight of government agencies.

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²² <http://www.greenisthenewred.com/blog/white-supremacist-opens-fire-at-holocaust-museum-terroris-but-will-it-be-labeled-terrorism/2155/>

²³ <http://www.greenisthenewred.com/blog/joseph-andrew-stack-not-terrorist-irs/2529/>

²⁴ Office of the Inspector General, Audit Division, U.S. Department of Justice, "Audit Report 04-10, The Federal Bureau of Investigation's Efforts to Improve the Sharing of Intelligence and Other Information," (Dec. 2003), X, 34.

Also see http://www.greenisthenewred.com/blog/justice-department-warned-fbi/3423/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+GreenisTheNewRed+%28Green+Is+The+New+Red.com%29&utm_content=Google+Feedfetcher

Additionally, the FBI's general handling of the animal rights movement itself has become deeply controversial. Prominent newspapers, such as the *Washington Post*, follow the controversies in headlines such as "FBI Papers Show Terror Inquiry Into PETA, Other Groups Tracked."²⁵ Civil liberties oriented bloggers, such as award-winning independent journalist Will Potter, report regularly on what they perceive to be the unconstitutional and repressive evils of the what is widely perceived to be the FBI's "political persecution" of the animal rights and environmental movements. Potter views the FBI campaign against animal rights activists to be so corrosive of civil liberties that he directly compares the situation to the Red Scare of McCarthyism, terming the present situation the "Green scare," and naming his blog, and his upcoming book, "Green Is The New Red."²⁶ United States Representative Denis Kucinich (D-OH) concurs, asserting that FBI-led efforts to target animal rights groups and organizations "will have a real and chilling effect on people's constitutionally protected rights," and that such efforts "do nothing to address the real issue of animal protection but, instead targets those advocating animal rights."²⁷

Numerous law journals and legal organizations are also joining the chorus of voices challenging the FBI's campaign against animal rights and environmental activists. For just one example, a 9 March 2007 editorial in the *Vermont Journal of Environmental Law* concluded that a fiercely FBI supported animal rights specific "anti-terror" bill "is an unconstitutional and mean-spirited product of "animal enterprise" lobbying that should be overturned by wise judges [...] or repealed by a Congress which passed this bill through a glass darkly, but then came face to face with compassion."²⁸ Likewise, the American Civil Liberties Union (ACLU) and the National Lawyers Guild strongly oppose FBI efforts to target animal rights and environmental activists as terrorists.²⁹ In 2007, the American University Washington School of Law's chapter of the National Lawyers Guild hosted an event titled "The Green Scare! Prosecuting Environmental Activists as Terrorists." The event focused specifically on the threats to free speech and political dissent posed by the FBI's handling of the animal rights movement.³⁰ Yale University recently hosted a nearly identical event, titled, "Green Scare: Redefining 'Terrorism' to Silence Non-violent Animal Rights Activists."³¹

²⁵ Spencer S. Hsu, "FBI Papers Show Terror Inquiry Into PETA, Other Groups Tracked." *Washington Post*, 20 Dec. 2005. Available online at: <http://www.washingtonpost.com/wp-dyn/content/article/2005/12/19/AR2005121901777.html>

²⁶ See GreenIsTheNewRed.com

²⁷ http://www.vjel.org/editorials/ED10060.html#_edn32

²⁸ *Ibid.*

²⁹ <http://www.aclu.org/free-speech/aclu-letter-congress-urging-opposition-animal-enterprise-act-s-1926-and-hr-4239>

<http://www.nlg.org/Beyond%20AETA%20White%20Paper.pdf>

³⁰ <http://www.wcl.american.edu/org/guild/events.cfm>

³¹ <http://www.greenisthenewred.com/blog/yale-green-scare-event/2970/>

Even the Department of Justice itself has demonstrated significant concerns along these lines. Prompted by Congressional concerns about "whether the FBI had improperly targeted domestic advocacy groups for investigation based upon their exercise of First Amendment rights," the Department of Justice's Office of the Inspector General's Oversight and Review Division's September 2010 report "A Review of the FBI's Investigation of Certain Domestic Advocacy Groups" is scathing in its assessment of FBI behavior.³² One of the five representative FBI investigations analyzed in detail in this DOJ report is the FBI investigation of prominent animal rights organization People for the Ethical Treatment of Animals (PETA).³³ The DOJ report found numerous glaring improprieties committed by the FBI in its investigations of the animal rights organization PETA, PETA leaders and employees, and other American advocacy organizations.³⁴

As detailed above, the FBI's understanding and handling of animal rights activists is at the very heart of multiple linked heated public controversies concerning civil liberties, the conduct of the FBI, free speech, national security, industry influence on government operations, animal protection, and the enactment of federal legislation. The disclosure by the FBI of information pertaining to its understanding and handling of leading militant animal rights direct action activist [REDACTED] will significantly contribute to expanded public understanding of government operations concerning all of the above, including the FBI, DOJ, and Congressional linkage of above and underground animal activist organizations engaged in non-violent legal and illegal activities for the purpose of classifying and prosecuting non-violent activists as domestic terrorists and potentially violating the civil liberties of protesters in the process.

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Further [REDACTED] is suspected by the FBI of involvement with the militant underground group the Animal Liberation Front (ALF). The ALF is the animal rights organization most explicitly designated by the FBI as the "The No. 1 domestic terrorism threat" in the United States.³⁵

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The FBI openly and unambiguously acknowledges the significant public importance of the ALF, and the even more significant public importance of the FBI's handling of the ALF. On 18 May 2004, FBI Deputy Assistant Director Lewis, the top FBI official in charge of domestic terrorism, informed the United States Senate Judiciary Committee that,

Currently, more than 34 FBI field offices have over 190 pending

³² United States Department of Justice, Office of the Inspector General, Oversight and Review Division, "A Review of the FBI's Investigation of Certain Domestic Advocacy Groups." September 2010. 173.

³³ United States Department of Justice, Office of the Inspector General, Oversight and Review Division, "A Review of the FBI's Investigation of Certain Domestic Advocacy Groups." September 2010. 93-124.

³⁴ United States Department of Justice, Office of the Inspector General, Oversight and Review Division, "A Review of the FBI's Investigation of Certain Domestic Advocacy Groups." September 2010.

³⁵ Schuster, Henry. "Who's Most Dangerous?: Eco-terrorists are now above ultra-right extremists on the FBI charts." CNN.com, 24 August, 2005.

investigations associated with ALF/ELF activities.

[...] The FBI's commitment to address the threat can be seen in the proactive approach that we have taken regarding the dissemination of information. Intelligence Information Reports (IIRs) are used as a vehicle for delivering FBI intelligence information to members of the Intelligence, Policy and Law Enforcement Communities. Since its establishment in March 2003, the Domestic Collection, Evaluation and Dissemination Unit has issued 20 IIRs to the field relating specifically to animal rights/eco-terrorism activity.

The commitment to addressing the threat posed by animal rights extremists and eco-terrorism movements can also be demonstrated by the FBI's proactive information campaign. This campaign has included ongoing liaison with federal, state, and local law enforcement and prosecutors, relevant trade associations and targeted companies and industries. The FBI has established a National Task Force and Intelligence Center at FBIHQ to coordinate this information campaign, and develop and implement a nationwide, strategic investigative approach to addressing the animal rights/eco-terrorism threat in the United States. The FBI has also conducted liaison and cooperated in investigations with foreign law enforcement agencies regarding animal rights extremist/ecoterrorism matters.

In conclusion, the FBI has made the prevention and investigation of animal rights extremists/eco-terrorism matters a domestic terrorism investigative priority. The FBI and all of our federal, state and local law enforcement partners will continue to strive to address the difficult and unique challenges posed by animal rights extremists.³⁶

Similarly, during a 14 March 2005 speech at the 4th Annual conference on Public Safety, FBI Deputy Assistant Director John Lewis again repeatedly invoked the supposed leading domestic terror menace posed by the ALF, and the FBI's deep commitment to aggressive action against the ALF.³⁷ Both of the above-noted speeches invoking the intensity of ALF activity, and of the intensity of FBI responses to ALF activity, along with many other similar statements by FBI officials concerning the public importance of the ALF and ELF, and of the FBI's responses to it, are publically available on the FBI's own website.³⁸

³⁶ <http://www2.fbi.gov/pressrel/speeches/lewis031405.htm>.

³⁷ <http://www2.fbi.gov/pressrel/speeches/lewis031405.htm>

³⁸At FBI.gov, search for "Animal Liberation Front," "Earth Liberation Front," "ALF," "ELF," and "ALF/ELF."

Further, again explicitly invoking the ALF, as of 2005, FBI Deputy Assistant Director John Lewis asserted "The No. 1 domestic terrorism threat is the eco-terrorism, animal-rights movement[.]"³⁹

Given that the FBI itself repeatedly and insistently affirms the significant public threat to American national security posed by the actions of the ALF, and the even greater public significance of the FBI's aggressive and much-touted responses to the ALF, and given that the FBI suspects [redacted] of being an ALF activist, the disclosure by the FBI of information pertaining to its understanding and handling of ALF activist [redacted] will significantly contribute to expanded public understanding of government operations concerning the maintenance of American national security in the face of domestic terrorism.

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Additionally, [redacted] is considered by the FBI to have been a leader of the militant animal rights/anti-animal experimentation organization Stop Huntington Animal Cruelty (SHAC). The FBI is unambiguous about the significant public importance of SHAC, and the even greater significant public importance of the FBI's handling of SHAC. In 2003, the FBI's largest investigation appears to have been the Bureau's intensive investigation SHAC other leaders. According to court documents from the subsequent federal prosecution of 7 SHAC activists, FBI wiretaps during the course of its 2003 investigation of SHAC leaders reportedly outnumbered the intercepted communications of the FBI's second largest investigation of that year by a measure of 5 to 1.⁴⁰ Highlighting the primacy of the FBI's anti-SHAC efforts, FBI Deputy Assistant Director John Lewis opened a 26 October 2005 speech to the United States Senate Committee on Public Works by stating, "Good morning Chairman Inhofe, ranking member Jeffords, and members of the committee. I am pleased to be here again to discuss the threat posed by animal rights activists, and by the Stop Huntington Animal Cruelty, or the SHAC movement, in particular."⁴¹ The FBI has also publicly announced its involvement in the 2007 arrests of 30 SHAC activists in the UK, as well as publicly linked SHAC to Daniel Andreas, a current fugitive on the FBI's Most Wanted Terrorist List.⁴² The FBI also closely links SHAC to the ALF, a

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³⁹ Schuster, Henry. "Who's Most Dangerous?: Eco-terrorists are now above ultra-right extremists on the FBI charts." CNN.com, 24 August, 2005. See also, "Associated Press. "FBI surprise on top Domestic Terror Threat: It's not abortion foes or Klan, but animal and eco-extremists." MSNBC.com, 19 May 2005.

⁴⁰ <http://www.crimethinc.com/texts/rollingthunder/shac.php>,
<http://www.supportlauren.com/shac.htm>.

I have not yet had the opportunity to personally inspect these court documents. However, even if the FBI's investigation of SHAC turns out not to have been the largest investigation of 2003, the crucial importance assigned by the FBI to the SHAC investigation is unambiguous, as will be shown above.

⁴¹ <http://www.fbi.gov/congress/congress05/lewis102605.htm>

⁴² <http://www.fbi.gov/pressrel/pressrel07/ukarrests050107.htm>
<http://www.fbi.gov/pressrel/speeches/helmbach042109.htm>

group that, as noted, the FBI considers to be "The No. 1 domestic terrorism threat" in the United States[.]"⁴³

Given that the FBI itself repeatedly and insistently affirms the significant public threat to American national security posed by the actions of SHAC, including [redacted] and the even greater public significance of the FBI's aggressive and much-touted responses to SHAC, including [redacted] the disclosure by the FBI of information pertaining to its investigation and handling of leading SHAC activist [redacted] will significantly contribute to expanded public understanding of government operations concerning the maintenance of American national security in the face of domestic terrorism.

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ii) Intent and Ability to Disseminate Information:

I firmly intend to analyze the released documents in order to facilitate significant expansion of public understanding of government operations. I am well qualified to perform this analysis [redacted]

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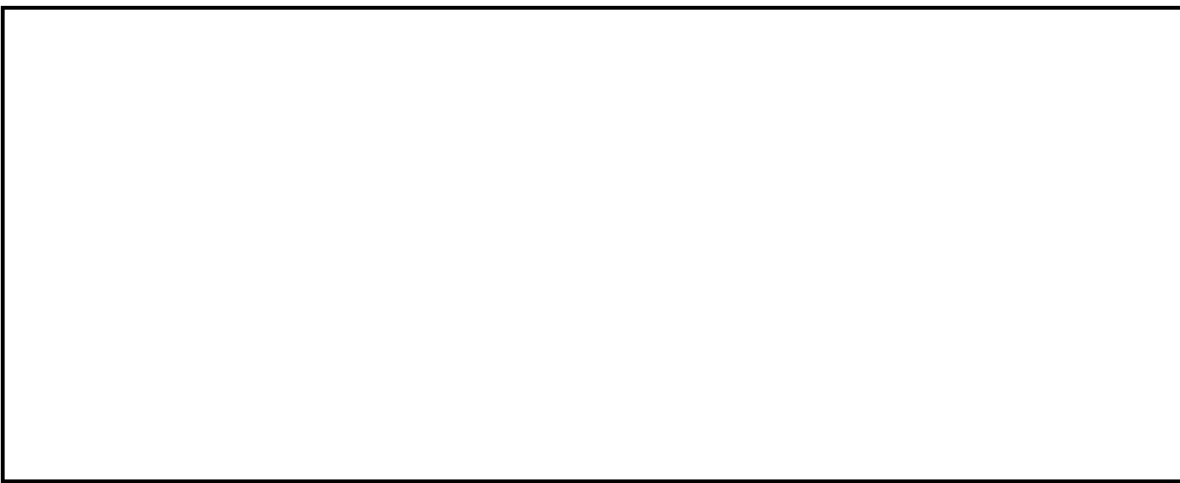
[redacted]

[redacted]

⁴³ Schuster, Henry. "Who's Most Dangerous?: Eco-terrorists are now above ultra-right extremists on the FBI charts." CNN.com, 24 August, 2005. See also, "Associated Press. "FBI surprise on top Domestic Terror Threat: It's not abortion foes or Klan, but animal and eco-extremists." MSNBC.com, 19 May 2005.

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[redacted]



As should be clear from the above, I have the ability and firm intention to disseminate to the public significant expansions of understanding of government operations based on analysis of the requested disclosures.

iii) Disclosure Not Sought Primarily for Commercial Use:

An agency must apply a balancing test to determine whether the public interest is of a greater magnitude than that of the commercial interest of the requester. "A fee waiver or reduction is justified where the public interest standard is satisfied and that public interest is greater in magnitude than that of any identified commercial interest in disclosure." 28 C.F.R. § 16.11(k)(2).

In my case, the results of this balancing test are clear: I am seeking the release of the requested documents primarily for a public interest, not for a commercial use. As detailed above, I am requesting the release of documents to analyze for use in my dissertation, book, scholarly and popular articles, scholarly and popular lectures, and scholarly and popular exhibits. Though scholars do occasionally get paid for some of the above, this is not generally the case, and when it does occur the sums are modest. Most crucially, ~~payment is not the primary purpose for which the~~ ^{work} is conducted.



⁶² Will Potter, *Green is the New Red: An Insider's Account of a Social Movement Under Siege* (City Lights Publishers, 2011).

With good reason therefore, many federal agencies have a default policy of considering academic research inherently non-commercial. For instance, the Department of Defense's website on the Freedom of Information Act states, "scholars writing books or engaged in other forms of academic research, may recognize a commercial benefit, either directly, or indirectly (through the institution they represent); however, normally such pursuits are primarily undertaken for educational purposes, and the application of a fee charge would be inappropriate."⁶³

More so, the judicial case histories concerning similar scholarly requests for waivers of fees pertaining to Freedom of Information Act requests solidly support my contention that my request for the release of documents is primarily in the public interest and is not pursuant of primarily commercial ends.

In *Cambell 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 [REDACTED] the court held that, "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).

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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 documents from the FBI pertaining to investigations of members of a dissident political group, the court noted, "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).

⁶³ <http://www.dod.gov/pubs/foi/feewaiver.html>

My request for release of documents is in crucial ways identical to the situations described in the case law above. I seek documents 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 documents will significantly benefit the public interest, and this benefit to the public is of vastly greater magnitude than my minimal commercial interest.

Additionally, as also detailed in *Ettlinger v. FBI*, 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:

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* 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.*

As discussed in considerable detail above, the release of records stemming from this request will significantly contribute to significant expansion of public understanding of government operations concerning vital issues at the very highest levels of public interest in American governmental operations and the regulation thereof. Further, the information contained in the intended release is not available elsewhere and can only be obtained through the requested release. *For these reasons, and in keeping with former United States Attorney General Civiletti's instructions concerning scholars who are engaged in significant historical research, I request that a "complete rather than partial waiver" of duplication and search fees be granted.*⁶⁴

iv) 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).

Additionally, the courts have been equally clear that, in order to satisfy this public interest requirement, "the public" to be benefitted by a release of information 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 above substantially demonstrated that the population groups (scholarly and otherwise) significantly benefited by my analysis of the requested release are far

⁶⁴ *Ettlinger v. FBI*, 596 F. Supp. 867, 874 (D. Mass. 1984).

larger than me alone. As such, I have more than satisfied the requirement for a fee waiver.

v) Additional Note on Journalistic 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 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 above, I clearly satisfy this description.

Further, the OPEN Government Act of 2007's definition of "a representative of the news media" is taken nearly verbatim from language used by the United States Court of Appeals, District of Columbia Circuit in the court's 1989 FOIA fee waiver-oriented ruling in *National Security Archive v. Department of Defense*.⁶⁵ As the court also relatedly found in *National Security Archive v. Department of Defense*, a requester need not already have published numerous works in order to qualify as a representative of the news media. The court found that the express "intention" to publish or disseminate analysis of requested documents amply satisfies the above noted requirement for journalists to "publish or disseminat[e] information to the public." *National Security Archive v. Department of Defense*, 880 F.2d 1386, (D.C. Cir, 1989). As detailed herein, I have already publicly disseminated significant analysis of documents obtained through FOIPA requests and other research methodologies. I have demonstrated my ability to continue disseminating significant analysis of documents obtained through FOIPA requests and other research methodologies.

⁶⁵ The language in *National Security Archive v. Department of Defense* reads, "A representative of the news media is, in essence, a person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn raw materials into a distinct work, and distributes that work to an audience." *National Security Archive v. Department of Defense*, 880 F.2d 1381, 1387 (D.C. Cir, 1989).

And I have expressed a firm intention to continue disseminating significant analysis of documents obtained through FOIPA requests and other research methodologies

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." As such, I have again more than satisfied the requirement for a fee waiver.⁶⁶

vi) Letter of Support, Historical:



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vii) Letter of Support, Journalistic:



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⁶⁶ 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. I have identified articles, an exhibit, and a book within which I firmly intend to, and in some cases already have, disseminate(d) my analysis of requested information. I have identified another news media representative whom I have already fruitfully provided my analysis of requested information, and with whom I firmly intend to continue collaborating on future dissemination of requested information. Ultimately, in contrast to Judicial Watch, which the court found to "merely make available [] the requested information," I have established "a firm intention to disseminate" my analysis of the requested information. See *Judicial Watch, Inc. v. United States Department of Justice*, 185 F.Supp. 2d 54, 59 (D.D.C. 2002).

⁶⁷ *Ettlinger v. FBI*, 596 F. Supp. 867, 875 (D. Mass. 1984).

⁶⁸ *Ettlinger v. FBI*, 596 F. Supp. 867, 875 (D. Mass. 1984).



⁶⁹ <http://www.greenisthenewred.com/blog/bio/>

⁷⁰ <http://www.greenisthenewred.com/blog/bio/>

⁷¹ <http://www.google.com/search?client=safari&rls=en&q=%22The+FBI+and+a+previously-unknown+informant+in+the+animal+rights+movement+%22&ie=UTF-8&oe=UTF-8>

⁷² For example, see <http://www.animalrightszone.com/2005/animal-rights-movement/rights/&query=fbi+>

⁷³ For example, see <http://drstevebest.wordpress.com/2010/12/08/fbi-file-reveals-discussion-of-discrediting-animal-rights-activists-by-planting-rumors/>

⁷⁴ For example, see <http://tprime.info/disinfo-never-dies-fbi-file-reveals-discussion-of-discrediting-animal-rights-activists-by-planting-rumors>

⁷⁵ For example, see <http://freepeftiernow.blogspot.com/2010/12/cointelpro-never-went-away-fbi-file.html>

⁷⁶ <http://www.greenisthenewred.com/blog/fbi-file-reveals-discussion-of-discrediting-animal-rights-activists-by-planting-rumors/3282/>

viii) Letter of Support, Legal:

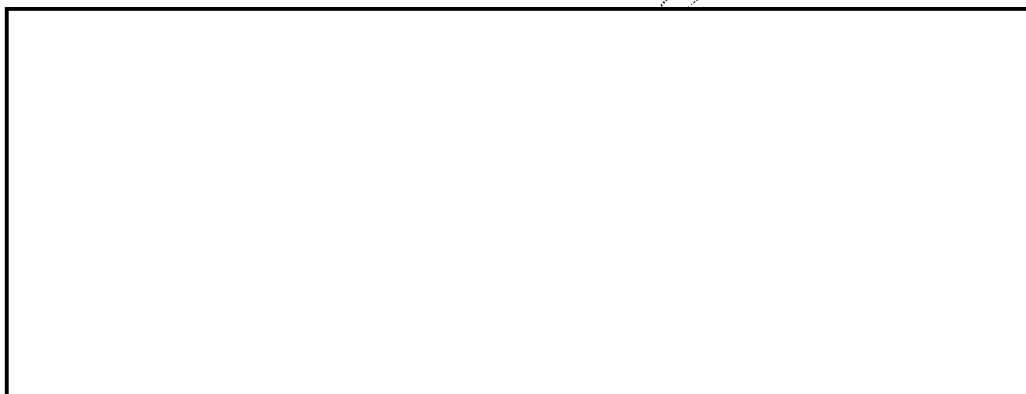


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In summation, the disclosure of the requested information will significantly contribute to expanded public understanding of government operations and activities. I have the firm intention and ability to disseminate this significant expansion of public understanding of government operations and activities. The public interest in this significant expansion of public understanding of government operations and activities far outweighs any commercial interest of my own. Accordingly, my request for a full waiver of fees amply satisfies the rules of 28 C.F.R. § 16.11(k)(2). Legislative history and judicial authority emphatically support this determination. For these reasons, and based upon their extensive elaboration above, I request that a full waiver of search and duplication fees for my FOIPA request for any and all information relating or referring to [REDACTED] be granted. I will appeal any denial of this request for a waiver of fees to the Department of Justice's 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 this matter.



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⁷⁷ *Ettlinger v. FBI*, 596 F. Supp. 867, 875 (D. Mass. 1984).

Certification of Identity



Privacy Act Statement. In accordance with 28 CFR Section 16.41(d) personal data sufficient to identify the individuals submitting requests by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required. The purpose of this solicitation is to ensure that the records of individuals who are the subject of U.S. Department of Justice systems of records are not wrongfully disclosed by the Department. Failure to furnish this information will result in no action being taken on the request. False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 552a(i)(3).

Public reporting burden for this collection of information is estimated to average 0.50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Suggestions for reducing this burden may be submitted to Director, Facilities and Administrative Services Staff, Justice Management Division, U.S. Department of Justice, Washington, DC 20530 and the Office of Information and Regulatory Affairs, Office of Management and Budget, Public Use Reports Project (1103-0016), Washington, DC 20503.

Full Name of Requester ¹

Citizenship Status ² citizen of the United States Social Security Number ³

Current Address

Date of Birth Place of Birth

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

Signature ⁴ Date 3/3/11

OPTIONAL: Authorization to Release Information to Another Person

This form is also to be completed by a requester who is authorizing information relating to himself or herself to be released to another person.

Further pursuant to 5 U.S.C. Section 552(a)(2), I authorize the U.S. Department of Justice to release any and all information relating to me to:
Print or Type Name

¹ Name of individual who is the subject of the record sought.
² Individual submitting a request under the Privacy Act of 1974 must be either "a citizen of the United States or an alien lawfully admitted for permanent residence," pursuant to 5 U.S.C. Section 552a(a)(2). Requests will be processed as Freedom of Information Act requests pursuant to 5 U.S.C. Section 552, rather than Privacy Act requests, for individuals who are not United States citizens or aliens lawfully admitted for permanent residence.
³ Providing your social security number is voluntary. You are asked to provide your social security number only to facilitate the identification of records relating to you. Without your social security number, the Department may be unable to locate any or all records pertaining to you.
⁴ Signature of individual who is the subject of the record sought.

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FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1363980-0

Total Deleted Page(s) = 4

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FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1363980-0

Total Deleted Page(s) = 7

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06/28/11

Freedom of Information and Privacy Acts request for information on a living person: [redacted]

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To: Federal Bureau of Investigation
Record/Information Dissemination Section

This letter constitutes a formal request under the U.S. Freedom of Information and Privacy Acts (5 U.S.C. §552/552a) and the regulations promulgated thereunder. Please analyze the requested material under both 5 U.S.C. §552 and 5 U.S.C. §552a in order to produce the maximum number of results.

REQUESTER INFORMATION:

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Information Sought:

I request disclosure of any and all records that were prepared, received, transmitted, collected and/or maintained by the FBI, the National Joint Terrorism Task Force, or any Joint Terrorism Task Force relating or referring to the living person [redacted]

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Name [redacted]
Date of Birth: [redacted]
Place of Birth: [redacted]
Current address: [redacted]
Social Security #: [redacted]

Attached please find [redacted] **Privacy Waiver and Certification of Identity.**

Request for FBI Headquarters, Field Office, and Task Force Office Searches:

I request that a complete and thorough search for any and all materials relating or referring to [] be conducted in any and all indices, filing systems, and locations pertaining to any and all materials prepared, received, transmitted, collected and/or 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.

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Request for Main File and Cross-Reference searches:

I request that a search of all main file *and cross-reference* indices and indexes, as well as of all electronic and manual indices and indexes, be conducted for materials relating or referring to []

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This request includes, but is not limited to, documents, reports, memoranda, letters, electronic files, "See Also" files, "Do Not File" files, "Official & Confidential" files, numbered and lettered subfiles, 1A envelopes, enclosures behind files (EBF's), "Personal & Confidential" files, photographs, audio tapes & videotapes, electronic or microphone surveillance (ELSUR or MISUR), or photographic surveillance, "JUNE" files, "Obscene" Files, "Subversive" Indexes, Bulky Exhibits, control files, mail covers, trash covers; and any index citations relating to [] or referencing [] ("see also") in other files. I request that all records be produced with the administrative markings and that all reports include the administrative pages.

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Please search *all* of your indices and indexes and interpret this request broadly.

Request for ELSUR, MISUR, and FISUR searches:

As part of the above request, I request that a search of all electronic, microphone, and physical surveillance indices and indexes for any and all records relating or referring to [] be conducted.

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Request for electronic and paper searches:

As part of the above request, I request that a search of all electronic and paper records for any and all materials relating or referring to [] be conducted.

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Request for ticklers:

As part of the above request, I request that a search for any and all "ticklers" relating or referring to [] be conducted.

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Request for Additional Included References:

As part of the above request, I request that any references to the below living and deceased individuals contained in the above-requested release [redacted] be provided to me unredacted. These below individuals have all provided me with signed privacy waivers pursuant of this end, or I have obtained obituaries for them. I have already submitted copies of all of these privacy waivers and obituaries in my 21 June 2011 FOIPA request for information on [redacted]. Please use these previously submitted privacy waivers and obituaries in processing this present FOIPA request [redacted].

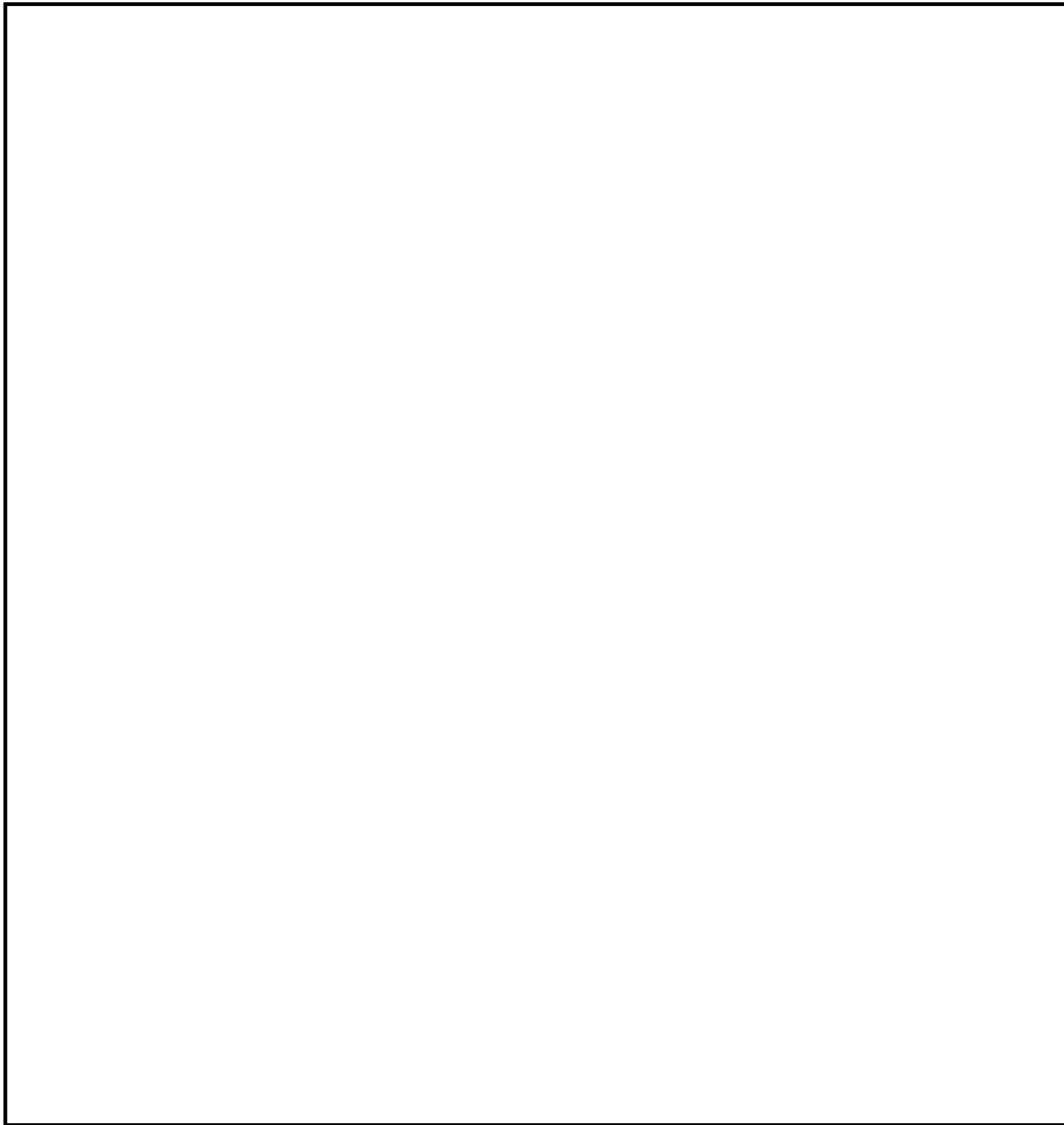
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-Amory, Cleveland (1917-1981)

b6

-Cate, Dexter L. (1943-1990)

b6



-Herrington, Alice (ca. 1919-1994)

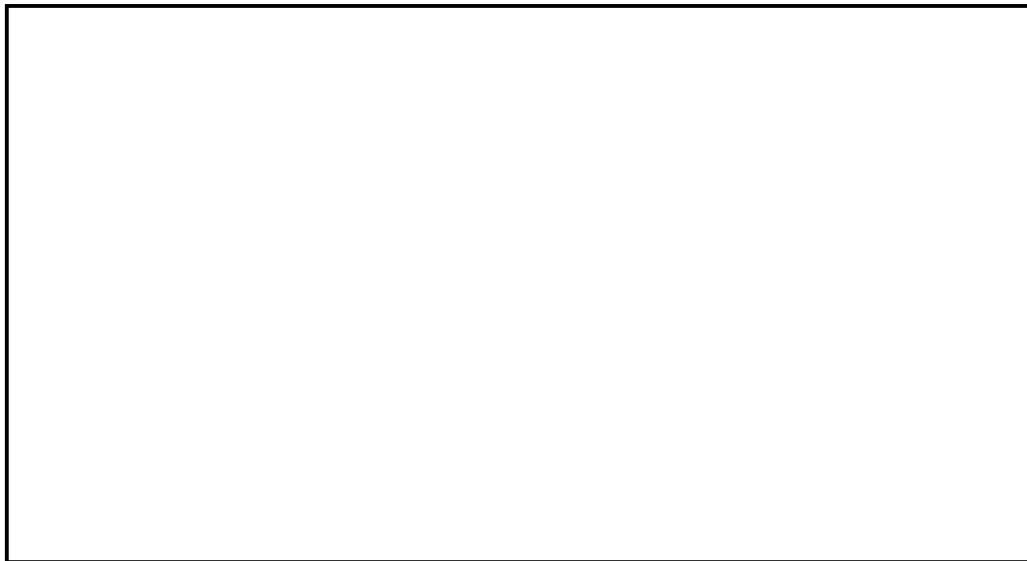


-Hutto, Henry (1953-2003)



-Jones, Helen (?-1998)





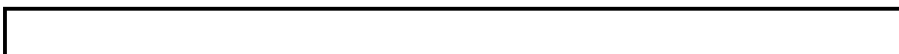
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-Myers, Fred (1904-1963)



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-Seiling, Eleanor (ca. 1907-1985)



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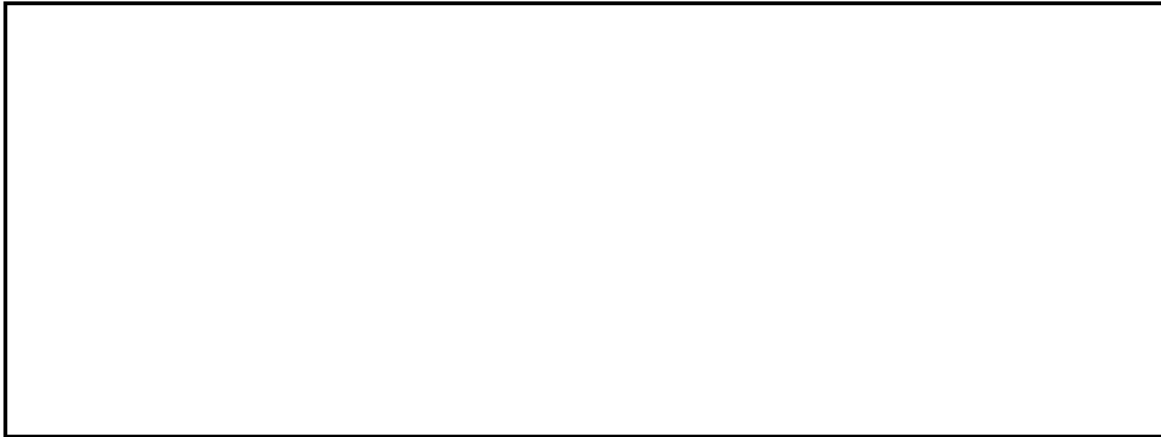
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-Spira, Henry (1927-1998)



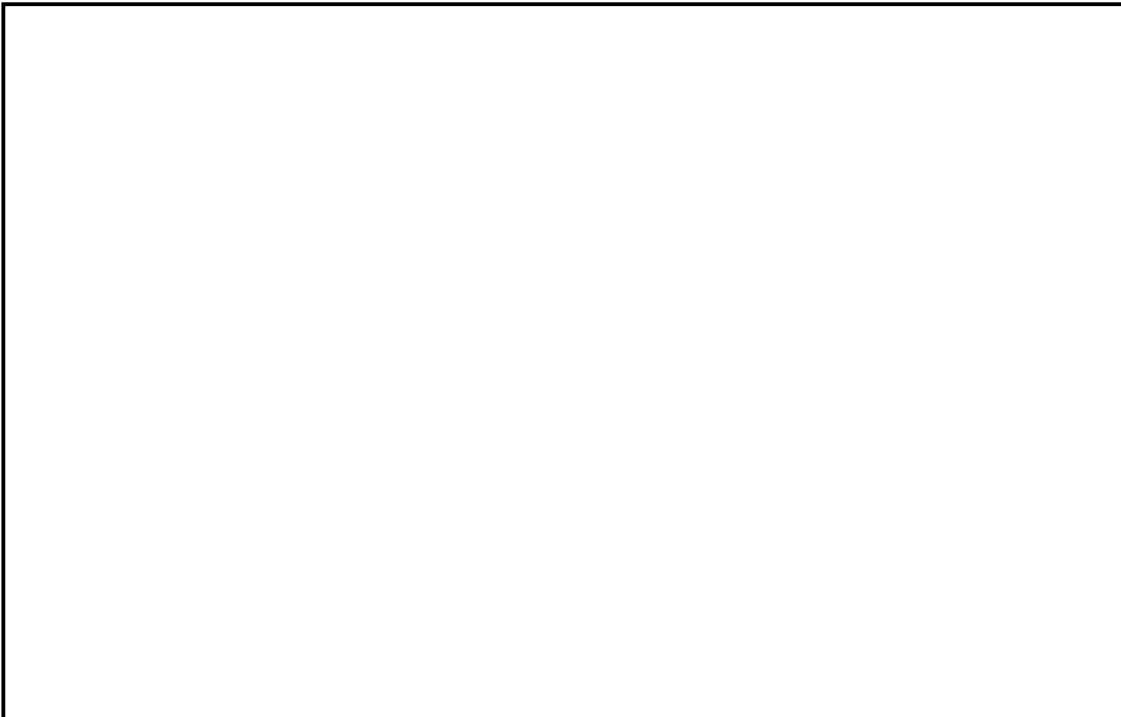
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-Stewart, Leslie (1936-2009)



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-Troen, Roger (1931-2008)



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Request for FOIA Search Slip:

As part of the above request, I request that a copy of the **FOIA Search Slip** generated as a result of this request be provided to me.

Exemptions:

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.¹

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

Nevertheless, 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.

In excising material, please "black out" the material rather than "white out" or "cut out." I expect, as provided by FOIA, that the remaining non-exempt portions of 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.

¹ 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/>

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.

Format:

I request that any releases stemming from this request be provided to me in digital format on a compact disk or other like media.

Additionally:

Please place any "missing" files pertaining to this request on "special locate" and advise me that you have done this.

Please send a memo (copy to me) to the appropriate units in your office to assure that no records related to this request are destroyed. Please advise of any destruction of records and include the date of and authority for such destruction.

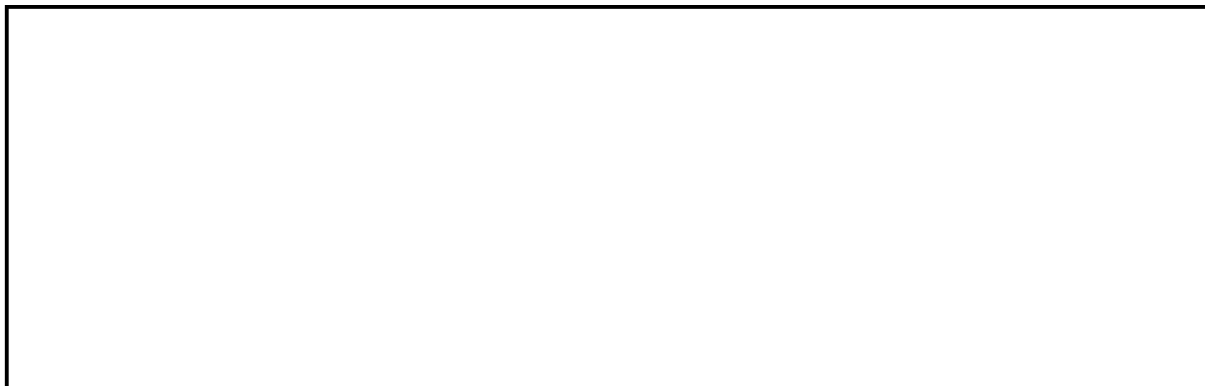
Payment:

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.'").

As detailed below, 1) The subject of the requested records concerns the operations of government. 2) The disclosure of the requested information is likely to significantly contribute to greater understanding of government operations. 3) The disclosure of the requested information will significantly contribute to greater public understanding of government operations. 4) I have the ability and intention to disseminate said information to the public. 5) My dissemination of the requested information will contribute significantly to expanded public understanding of government operations.

i) Disclosure of Documents Will Significantly Contribute to Public Understanding of Government operations:

The disclosure of the documents I requested is in the public interest because the information is likely to contribute significantly to public understanding of the operations or activities of government and is not primarily in my commercial interest. 28 C.F.R. § 16.11(k)(2). As stated in the legislative history, "A requester is likely to contribute significantly to public understanding if the information disclosed is new; supports public oversight of agency operations; or otherwise confirms or clarifies data on past or present operations of the government." 132 Cong. Rec. H9464 (Reps. English and Kindness). This request amply satisfies these requirements.



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The animal rights movement is a major American social and political movement that is daily engaged in heated controversies with government agencies. It is one of the most controversial and quickly growing social movements in the United States, and volumes upon volumes of new scholarly and popular literature on the animal rights movement are produced each year. Even the most cursory investigation demonstrates the tremendous general public interest, as well as scholarly interest, in the animal rights movement. A quick search for "animal rights" on Google.com yields "about 3,950,000" results. An Amazon.com "book search" for "animal rights" yields 1,512 results. And a search for "animal rights" on the scholarly article search engine JSTOR yields 4,104 results. Even the FBI's own website yields dozens upon dozens of search results for "animal rights."²

The FBI is the leading law enforcement and domestic counter-terrorism governmental agency in the United States. As with the animal rights movement, even the most cursory of investigations demonstrates the tremendous general public interest, as well as scholarly interest, in the operations of the FBI. A quick search for "Federal Bureau of Investigation" on Google.com yields "about 2,600,000" results. An Amazon.com "book search" for "Federal Bureau of Investigation" yields 1,480 results. And a search for "Federal Bureau of Investigation" on the scholarly article search engine JSTOR yields 4,611 results.³ In particular, the FBI's

² Searches conducted on 29 May 2010.

³ Searches conducted on 9 March 2011.

investigations of, and at times campaigns against, American social justice and advocacy organizations remain among the most controversial of FBI and domestic U.S. governmental operations.⁴

As my research demonstrates, the FBI has played a profound, shifting, and deeply controversial role in the evolution of the animal rights movement and its efforts to protect animals. Relatedly, and as discussed in part below, the animal rights movement has played a profound, shifting, and deeply controversial role in the evolution of the FBI's understanding of its own mission. Further, the often hidden intersections of the animal rights movement and FBI operations have played profound, shifting, and again deeply controversial roles in defining the meanings and limits of "terrorism," "national security," and "free speech" in the United States.

To date, almost no scholarly information, and little other information, is available to scholars or the broader public on these vital issues. Further, the little information on these matters that is currently available to scholars and the broader public is almost entirely based upon press articles, interviews with activists, and to a lesser extent, court records. Virtually none of this already minimal information builds upon the internal records of the FBI. FBI records pertaining to the Bureau's understanding and handling of the animal rights movement contain vital information on these matters that is not available through any other sources.⁵ As such, these highly controversial

⁴ This point is explored further below. However, for further evidence of the consistently controversial nature of FBI operations concerning American social justice and advocacy organizations, one need look no further than popular and scholarly attention to COINTELPRO (Counter Intelligence Program), the FBI's infamous 1950s-1970s assaults on the civil liberties of American advocacy organizations. A quick search for "COINTELPRO" on Google.com yields "about 362,000" results. An Amazon.com "book search" for "COINTELPRO" yields 111 results. And a search for "COINTELPRO" on the scholarly article search engine JSTOR yields 272 results. (Searches conducted on 9 March 2011). Further, the FBI's understanding and handling of the animal rights movement is increasingly compared to COINTELPRO. (For example, see GreenIsTheNewRed.com). My research directly examines these connections. Already, and as discussed below, FBI documents obtained by me through FOIA requests, and my analysis of these documents, have been used by an award-winning journalist to highlight the similarities between the FBI's COINTELPRO program and its current handling of the animal rights and environmental movements. See <http://www.greenisthenewred.com/blog/fbi-file-reveals-discussion-of-discrediting-animal-rights-activists-by-planting-rumors/3282/>

⁵ Scholarly analysis of FOIA-obtained FBI records is a well-accepted research methodology. 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 Mullett'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

topics concerning government operations, national security, and free speech are not only grossly under-examined, but the few examinations that even begin to touch upon them neglect to examine the key sources that would by far shed the most light upon the nature and evolution of the FBI's deeply consequential and controversial understanding and handling of the animal rights movement. Pursuant of correcting these vast gaps in public understanding of government operations, I have requested through the Freedom of Information Act, and will continue to request, information held by the FBI pertaining to key individuals, organizations, and events related to the FBI's role in animal use and protection conflicts from the pre-World War II period to the present. As detailed below, the disclosure of information held by the FBI pertaining to its understanding and handling of [REDACTED] will significantly contribute to my research into the intersections of the animal rights movement and FBI operations, and as such will significantly contribute to expanded public understanding of government operations, as well as support the public oversight of government agencies.

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The FBI is unambiguous about the significant public importance of the militant/extremist animal rights movement, and especially of the movement's direct action tactics employed and espoused by activists such as [REDACTED]. Further, the FBI is especially unambiguous about the even greater significant public importance of the FBI's own handling of the militant/extremist animal rights movement and its

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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). And, while I am the first scholar to systematically request and analyze FBI documents pertaining to the Bureau's understanding and handling of the animal rights movement, for an example of scholarly analysis of Canadian Access to Information Act-obtained intelligence agency records pertaining to Canadian governmental suppression of animal rights activists, see Kevin Walby and Jeffrey Monaghan's "Private Eyes and Public Order: Policing and Surveillance in the Suppression of Animal Rights Activists in Canada," *Social Movement Studies* (Vol. 10, No. 1, 21-37, January 2011).

⁶ For example, see [http://activistcash.com/biography.cfm/b/2665-\[REDACTED\]](http://activistcash.com/biography.cfm/b/2665-[REDACTED])

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And

<http://www.animalliberationfront.com/Philosophy/Animal%20Testing/Vivisection/World%20Week%20for%20Animals%20in%20Laboratories.htm>

And http://articles.sfgate.com/1999-09-13/news/17700064_1_animal-rights-grand-jury-hunger-strike

And <http://www.seashepherd.org/news-and-media/news-110414-1.html>

⁷ For one example among many, see Deputy Assistant Director, Counterterrorism Division, FBI, John E. Lewis, "Addressing the Threat of Animal Rights Extremism and Eco-Terrorism." Testimony before United States Senate Committee on Environment and Public Works. 18 May 2005. Available online at: <http://www.fbi.gov/news/testimony/addressing-the-threat-of-animal-rights-extremism-and-eco-terrorism/?searchterm=%22animal%20rights%22>

associated direct action techniques. Even a quick search for “animal rights” on the FBI’s own webpage reveals dozens of hits with titles such as “Addressing the Threat of Animal Rights Extremism and Eco-Terrorism” (Senate testimony), “Animal Rights Extremism and Ecoterrorism” (Senate testimony), and “Investigating and Preventing Animal Rights Extremism” (Senate testimony).⁸ The special significance of “direct action” animal rights tactics, such as those employed and espoused by [redacted] are repeatedly singled out by the FBI in the above testimony and throughout the search results for “animal rights” on the FBI website.⁹ Indeed, as of 2005, FBI Deputy Assistant Director John Lewis asserted, “The No. 1 domestic terrorism threat is the eco-terrorism, animal-rights movement[.]”¹⁰

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Given that the FBI itself repeatedly and insistently affirms the significant public threat to American national security posed by militant/extremist animal rights activists and their direct action tactics, and the even greater public significance of the FBI’s aggressive and much-touted responses to militant/extremist animal rights activists and their direct action tactics, the disclosure by the FBI of information pertaining to its understanding and handling of the militant/extremist animal rights direct action activist [redacted] will significantly contribute to expanded public understanding of government operations concerning the maintenance of American national security in the face of domestic terrorism.

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Relatedly, the significant public interest in the disclosure of information pertaining to the FBI’s understanding and handling of [redacted] is further supported by the existence of an ongoing public controversy over the FBI’s designation of the militant animal rights and environmental movements as “The No. 1 domestic terrorism threat” faced by the United States today.¹¹ Given, as the FBI concedes, that no animal rights or environmental organization has ever physically injured a single person in the movements’ decades of existence in the United States, many persons and organizations from across the political spectrum have openly questioned the merit and wisdom of designating the animal rights movement as the leading domestic terror threat.¹²

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For example, Henry Schuster, a senior producer in CNN’s investigative unit who has covered terrorism for CNN for over a decade, wrote a 24 August 2005 article for CNN.com titled, “Who’s Most Dangerous?: Eco-terrorists are now above ultra-right

⁸ <http://www.fbi.gov/search?SearchableText=%22animal+rights%22>

⁹ <http://www.fbi.gov/search?SearchableText=%22animal+rights%22>

¹⁰ Schuster, Henry. “Who’s Most Dangerous?: Eco-terrorists are now above ultra-right extremists on the FBI charts.” CNN.com, 24 August, 2005.

See also, “Associated Press. “FBI surprise on top Domestic Terror Threat: It’s not abortion foes or Klan, but animal and eco-extremists.” MSNBC.com, 19 May 2005.

¹¹ Schuster, Henry. “Who’s Most Dangerous?: Eco-terrorists are now above ultra-right extremists on the FBI charts.” CNN.com, 24 August, 2005.

¹² Ibid.

extremists on the FBI charts.”¹³ In this article, CNN’s Schuster is highly critical of the FBI’s decision to designate the animal rights movement as more dangerous to the United States than right-wing militia groups and violent racist organizations with long histories of extreme violence against persons and murder.

Especially vocal on this point, and quoted at length in Schuster’s article, is Mark Potok of the Southern Poverty Law Center, a leading civil rights organization that has tracked hate crimes and violent extremism in the United States for decades. Though no fan of the animal rights movement, Potok is adamant that, “It is simply ludicrous to describe animal rights and eco-terrorism as the No. 1 threat. [...] It is difficult to understand how the leaders of our major national security organizations can see it this way.”¹⁴ According to Schuster, “Potok thinks politics is behind the decision: Political pressure from the White House and conservative Republicans toward the environmental movement is, in part, the reason eco-terrorism is now the priority, he said.”¹⁵

Both CNN’s Henry Schuster and the Southern Poverty Law Center’s Mark Potok are deeply concerned by the ramifications of what they perceive to be the FBI’s political rather than security-oriented criteria for calculating America’s domestic terror priorities. Asserts Schuster, “[I]f you are the FBI or Department of Homeland Security, your domestic terror priority drives how finite resources are allocated -- especially when so much attention and money is focused on al Qaeda and international terror.”¹⁶ Follows Potok, “My worry is that, [because of the political designation of animal rights organizations as America’s leading domestic terror threats,] just as in the years running up to the Oklahoma City bombing, ... we will ignore a world of violence emanating from our own extreme right.”¹⁷

Similarly, award-winning independent journalist Will Potter¹⁸ regularly invokes the FBI’s designation of animal rights organizations as the nation’s leading domestic terror threats as evidence of widespread political exploitation of post 9-11 concerns over domestic terrorism.¹⁹ For example, Potter questions the wisdom, legitimacy, and consequences of FBI priorities that classify as “not terrorists” individuals and organizations including a tax protester who flew a plane into an IRS building in Texas²⁰, militia members who incited brick attacks on lawmakers’ offices²¹, and a

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ <http://www.greenisthenewred.com/blog/bio/>

¹⁹ For three (of many) examples of Potter’s treatment of the issue, see:

<http://www.greenisthenewred.com/blog/video-number-one-domestic-terrorism-threat/2651/>

[http://www.greenisthenewred.com/blog/tea-party-](http://www.greenisthenewred.com/blog/tea-party-terrorist/2616/)

[terrorist/2616/http://www.greenisthenewred.com/blog/joseph-andrew-stack-not-terrorist-irs/2529/](http://www.greenisthenewred.com/blog/joseph-andrew-stack-not-terrorist-irs/2529/)

<http://www.greenisthenewred.com/blog/green-scare/>

²⁰ <http://www.greenisthenewred.com/blog/joseph-andrew-stack-not-terrorist-irs/2529>

white supremacist anti-Semite who murdered a guard at the National Holocaust Museum²², while militant/extremist animal rights organizations, which, as the FBI concedes, have never physically injured a single person in American history, are designated the leading domestic terror threat. Writes Potter, "Focusing scarce anti-terrorism resources on animal rights and environmental activists, while there are clearly domestic groups who have, and will continue, to carry out physical violence, puts all Americans at risk. Perhaps if the government spent less time preparing for attacks by environmentalists, events like this [the deadly 19 February 2010 suicide plane attack on the Austin IRS building] could be prevented."²³

Even the Department of Justice (DOJ) itself has openly criticized the FBI's designation of animal rights activists (and other similar social activist groups) as a domestic terror priority. In a 2003 DOJ audit of the FBI, the DOJ found that the FBI should,

Consider transferring responsibility for investigating crimes committed by environmental, animal rights, and other domestic radical groups or individuals from the Counterterrorism Division to the Criminal Investigative Division, except where a domestic group or individual uses or seeks to use explosives or weapons of mass destruction to cause mass casualties. [...] To the extent that the FBI seeks to maximize its counterterrorism resources to deal with radical Islamic fundamentalist terrorism, WMD, and domestic groups or individuals that may seek mass casualties, we believe that FBI management should consider the benefit of transferring responsibility for criminal activity by social activists to the FBI's Criminal Investigative Division. Although the activities of such groups fall under the FBI's definition of domestic terrorism, a more focused definition may allow the FBI to more effectively target its counterterrorism resources.²⁴

The disclosure by the FBI of information pertaining to its understanding and handling of militant/extremist animal rights direct action activist [redacted] will significantly contribute to expanded public understanding of government operations concerning the designation of domestic terror priorities and the allocation of resources between domestic terror priorities, as well as support the public oversight of government agencies.

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²¹ <http://www.greenisthenewred.com/blog/tea-party-terrorist/2616/>

²² <http://www.greenisthenewred.com/blog/white-supremacist-opens-fire-at-holocaust-museum-terroris-but-will-it-be-labeled-terrorism/2155/>

²³ <http://www.greenisthenewred.com/blog/joseph-andrew-stack-not-terrorist-irs/2529/>

²⁴ Office of the Inspector General, Audit Division, U.S. Department of Justice, "Audit Report 04-10, The Federal Bureau of Investigation's Efforts to Improve the Sharing of Intelligence and Other Information," (Dec. 2003). X, 34.

Also see http://www.greenisthenewred.com/blog/justice-department-warned-fbi/3423/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+GreenIsTheNewRed+%28Green+Is+The+New+Red.com%29&utm_content=Google+Feedfetcher

Additionally, the FBI's general handling of the animal rights movement itself has become deeply controversial. Prominent newspapers, such as the *Washington Post*, follow the controversies in headlines such as "FBI Papers Show Terror Inquiry Into PETA, Other Groups Tracked."²⁵ Civil liberties oriented bloggers, such as award-winning independent journalist Will Potter, report regularly on what they perceive to be the unconstitutional and repressive evils of the what is widely perceived to be the FBI's "political persecution" of the animal rights and environmental movements. Potter views the FBI campaign against animal rights activists to be so corrosive of civil liberties that he directly compares the situation to the Red Scare of McCarthyism, terming the present situation the "Green scare," and naming his blog, and his upcoming book, "Green Is The New Red."²⁶ United States Representative Denis Kucinich (D-OH) concurs, asserting that FBI-led efforts to target animal rights groups and organizations "will have a real and chilling effect on people's constitutionally protected rights," and that such efforts "do nothing to address the real issue of animal protection but, instead targets those advocating animal rights."²⁷

Numerous law journals and legal organizations are also joining the chorus of voices challenging the FBI's campaign against animal rights and environmental activists. For just one example, a 9 March 2007 editorial in the *Vermont Journal of Environmental Law* concluded that a fiercely FBI supported animal rights specific "anti-terror" bill "is an unconstitutional and mean-spirited product of "animal enterprise" lobbying that should be overturned by wise judges [...] or repealed by a Congress which passed this bill through a glass darkly, but then came face to face with compassion."²⁸ Likewise, the American Civil Liberties Union (ACLU) and the National Lawyers Guild strongly oppose FBI efforts to target animal rights and environmental activists as terrorists.²⁹ In 2007, the American University Washington School of Law's chapter of the National Lawyers Guild hosted an event titled "The Green Scare! Prosecuting Environmental Activists as Terrorists." The event focused specifically on the threats to free speech and political dissent posed by the FBI's handling of the animal rights movement.³⁰ Yale University recently hosted a nearly identical event, titled, "Green Scare: Redefining 'Terrorism' to Silence Non-violent Animal Rights Activists."³¹

²⁵ Spencer S. Hsu, "FBI Papers Show Terror Inquiry Into PETA, Other Groups Tracked." *Washington Post*, 20 Dec. 2005. Available online at: <http://www.washingtonpost.com/wp-dyn/content/article/2005/12/19/AR2005121901777.html>

²⁶ See [GreenIsTheNewRed.com](http://www.GreenIsTheNewRed.com)

²⁷ http://www.vjel.org/editorials/ED10060.html#_edn32

²⁸ *Ibid.*

²⁹ <http://www.aclu.org/free-speech/aclu-letter-congress-urging-opposition-animal-enterprise-act-s-1926-and-hr-4239>

<http://www.nlg.org/Beyond%20AETA%20White%20Paper.pdf>

³⁰ <http://www.wcl.american.edu/org/guild/events.cfm>

³¹ <http://www.greenisthenewred.com/blog/yale-green-scare-event/2970/>

Even the Department of Justice itself has demonstrated significant concerns along these lines. Prompted by Congressional concerns about “whether the FBI had improperly targeted domestic advocacy groups for investigation based upon their exercise of First Amendment rights,” the Department of Justice’s Office of the Inspector General’s Oversight and Review Division’s September 2010 report “A Review of the FBI’s Investigation of Certain Domestic Advocacy Groups” is scathing in its assessment of FBI behavior.³² One of the five representative FBI investigations analyzed in detail in this DOJ report is the FBI investigation of prominent animal rights organization People for the Ethical Treatment of Animals (PETA).³³ The DOJ report found numerous glaring improprieties committed by the FBI in its investigations of the animal rights organization PETA, PETA leaders and employees, and other American advocacy organizations.³⁴

As detailed above, the FBI’s understanding and handling of animal rights activists is at the very heart of multiple linked heated public controversies concerning civil liberties, the conduct of the FBI, free speech, national security, industry influence on government operations, animal protection, and the enactment of federal legislation. The disclosure by the FBI of information pertaining to its understanding and handling of leading militant animal rights direct action activist [REDACTED] will significantly contribute to expanded public understanding of government operations concerning all of the above, including the FBI, DOJ, and Congressional linkage of above and underground animal activist organizations engaged in non-violent legal and illegal activities for the purpose of classifying and prosecuting non-violent activists as domestic terrorists and potentially violating the civil liberties of protesters in the process.

Further, [REDACTED] is suspected by the FBI of involvement with the militant underground group the Animal Liberation Front (ALF).³⁵ The ALF is the animal rights organization most explicitly designated by the FBI as the “The No. 1 domestic terrorism threat” in the United States.³⁶

The FBI openly and unambiguously acknowledges the significant public importance of the ALF, and the even more significant public importance of the FBI’s handling of the ALF. On 18 May 2004, FBI Deputy Assistant Director Lewis, the top FBI official in charge of domestic terrorism, informed the United States Senate Judiciary Committee that,

³² United States Department of Justice, Office of the Inspector General, Oversight and Review Division, “A Review of the FBI’s Investigation of Certain Domestic Advocacy Groups.” September 2010. 173.

³³ United States Department of Justice, Office of the Inspector General, Oversight and Review Division, “A Review of the FBI’s Investigation of Certain Domestic Advocacy Groups.” September 2010. 93-124.

³⁴ United States Department of Justice, Office of the Inspector General, Oversight and Review Division, “A Review of the FBI’s Investigation of Certain Domestic Advocacy Groups.” September 2010.

³⁵ For example see [http://activistcash.com/biography.cfm/b/2665-\[REDACTED\]](http://activistcash.com/biography.cfm/b/2665-[REDACTED])

³⁶ Schuster, Henry. “Who’s Most Dangerous?: Eco-terrorists are now above ultra-right extremists on the FBI charts.” CNN.com, 24 August, 2005.

Currently, more than 34 FBI field offices have over 190 pending investigations associated with ALF/ELF activities.

[...] The FBI's commitment to address the threat can be seen in the proactive approach that we have taken regarding the dissemination of information. Intelligence Information Reports (IIRs) are used as a vehicle for delivering FBI intelligence information to members of the Intelligence, Policy and Law Enforcement Communities. Since its establishment in March 2003, the Domestic Collection, Evaluation and Dissemination Unit has issued 20 IIRs to the field relating specifically to animal rights/eco-terrorism activity.

The commitment to addressing the threat posed by animal rights extremists and eco-terrorism movements can also be demonstrated by the FBI's proactive information campaign. This campaign has included ongoing liaison with federal, state, and local law enforcement and prosecutors, relevant trade associations and targeted companies and industries. The FBI has established a National Task Force and Intelligence Center at FBIHQ to coordinate this information campaign, and develop and implement a nationwide, strategic investigative approach to addressing the animal rights/eco-terrorism threat in the United States. The FBI has also conducted liaison and cooperated in investigations with foreign law enforcement agencies regarding animal rights extremist/ecoterrorism matters.

In conclusion, the FBI has made the prevention and investigation of animal rights extremists/eco-terrorism matters a domestic terrorism investigative priority. The FBI and all of our federal, state and local law enforcement partners will continue to strive to address the difficult and unique challenges posed by animal rights extremists.³⁷

Similarly, during a 14 March 2005 speech at the 4th Annual conference on Public Safety, FBI Deputy Assistant Director John Lewis again repeatedly invoked the supposed leading domestic terror menace posed by the ALF, and the FBI's deep commitment to aggressive action against the ALF.³⁸ Both of the above-noted speeches invoking the intensity of ALF activity, and of the intensity of FBI responses to ALF activity, along with many other similar statements by FBI officials concerning the public importance of the ALF and ELF, and of the FBI's responses to it, are publically available on the FBI's own website.³⁹

³⁷ <http://www2.fbi.gov/pressrel/speeches/lewis031405.htm>.

³⁸ <http://www2.fbi.gov/pressrel/speeches/lewis031405.htm>

³⁹At FBI.gov, search for "Animal Liberation Front," "Earth Liberation Front," "ALF," "ELF," and "ALF/ELF."

Further, again explicitly invoking the ALF, as of 2005, FBI Deputy Assistant Director John Lewis asserted "The No. 1 domestic terrorism threat is the eco-terrorism, animal-rights movement[.]"⁴⁰

Given that the FBI itself repeatedly and insistently affirms the significant public threat to American national security posed by the actions of the ALF, and the even greater public significance of the FBI's aggressive and much-touted responses to the ALF, and given that the FBI suspects [redacted] of being an ALF activist, the disclosure by the FBI of information pertaining to its understanding and handling of alleged ALF activist [redacted] will significantly contribute to expanded public understanding of government operations concerning the maintenance of American national security in the face of domestic terrorism.

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ii) Intent and Ability to Disseminate Information:

I firmly intend to analyze the released documents in order to facilitate significant expansion of public understanding of government operations. I am well qualified to perform this analysis [redacted]

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[redacted]

[redacted]

⁴⁰ Schuster, Henry. "Who's Most Dangerous?: Eco-terrorists are now above ultra-right extremists on the FBI charts." CNN.com, 24 August, 2005. See also, "Associated Press. "FBI surprise on top Domestic Terror Threat: It's not abortion foes or Klan, but animal and eco-extremists." MSNBC.com, 19 May 2005.

[redacted]


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As should be clear from the above, I have the ability and firm intention to disseminate to the public significant expansions of understanding of government operations based on analysis of the requested disclosures.

iii) Disclosure Not Sought Primarily for Commercial Use:

An agency must apply a balancing test to determine whether the public interest is of a greater magnitude than that of the commercial interest of the requester. "A fee waiver or reduction is justified where the public interest standard is satisfied and that public interest is greater in magnitude than that of any identified commercial interest in disclosure." 28 C.F.R. § 16.11(k)(2).

In my case, the results of this balancing test are clear: I am seeking the release of the requested documents primarily for a public interest, not for a commercial use. As detailed above, I am requesting the release of documents to analyze for use in my dissertation, book, scholarly and popular articles, scholarly and popular lectures, and scholarly and popular exhibits. Though scholars do occasionally get paid for some of the above, this is not generally the case, and when it does occur the sums are modest. Most crucially, payment is not the primary purpose for which such work is conducted 



⁵⁸ It should also be noted that Facebook is now the single most visited website in the United States. <http://www.brecorder.com/news/it-and-computers/world/1138685:news.html>

⁵⁹ Will Potter. *Green is the New Red: An Insider's Account of a Social Movement Under Siege* (City Lights Publishers, 2011).

the lecture. I will likely receive a small sum for my book when published, but even this amount will not come close to covering a fraction of the years worth of expenses involved in its production.

With good reason therefore, many federal agencies have a default policy of considering academic research inherently non-commercial. For instance, the Department of Defense's website on the Freedom of Information Act states, "scholars writing books or engaged in other forms of academic research, may recognize a commercial benefit, either directly, or indirectly (through the institution they represent); however, normally such pursuits are primarily undertaken for educational purposes, and the application of a fee charge would be inappropriate."⁶⁰

More so, the judicial case histories concerning similar scholarly requests for waivers of fees pertaining to Freedom of Information Act requests solidly support my contention that my request for the release of documents is primarily in the public interest and is not pursuant of primarily commercial ends.

In *Cambell 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 [REDACTED] the court held that, "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).

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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 documents from the FBI pertaining to investigations of members of a dissident political group, the court noted, "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

⁶⁰ <http://www.dod.gov/pubs/foi/feewaiver.html>

of achieving commercial or private benefit." *Ettlinger v. FBI*, 596 F. Supp. 867, 880 (D. Mass. 1984).

My request for release of documents is in crucial ways identical to the situations described in the case law above. I seek documents 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 documents will significantly benefit the public interest, and this benefit to the public is of vastly greater magnitude than my minimal commercial interest.

Additionally, as also detailed in *Ettlinger v. FBI*, 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:

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* 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.*

As discussed in considerable detail above, the release of records stemming from this request will significantly contribute to significant expansion of public understanding of government operations concerning vital issues at the very highest levels of public interest in American governmental operations and the regulation thereof. Further, the information contained in the intended release is not available elsewhere and can only be obtained through the requested release. *For these reasons, and in keeping with former United States Attorney General Civiletti's instructions concerning scholars who are engaged in significant historical research, I request that a "complete rather than partial waiver" of duplication and search fees be granted.*⁶¹

iv) 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).

Additionally, the courts have been equally clear that, in order to satisfy this public interest requirement, "the public" to be benefitted by a release of information 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).

⁶¹ *Ettlinger v. FBI*, 596 F. Supp. 867, 874 (D. Mass. 1984).

I have above substantially demonstrated that the population groups (scholarly and otherwise) significantly benefited by my analysis of the requested release are far larger than me alone. As such, I have more than satisfied the requirement for a fee waiver.

v) Additional Note on Journalistic 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 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 above, I clearly satisfy this description.

Further, the OPEN Government Act of 2007’s definition of “a representative of the news media” is taken nearly verbatim from language used by the United States Court of Appeals, District of Columbia Circuit in the court’s 1989 FOIA fee waiver-oriented ruling in *National Security Archive v. Department of Defense*.⁶² As the court also relatedly found in *National Security Archive v. Department of Defense*, a requester need not already have published numerous works in order to qualify as a representative of the news media. The court found that the express “intention” to publish or disseminate analysis of requested documents amply satisfies the above noted requirement for journalists to “publish or disseminat[e] information to the public.” *National Security Archive v. Department of Defense*, 880 F.2d 1386, (D.C. Cir, 1989). As detailed herein, I have already publicly disseminated significant analysis of documents obtained through FOIPA requests and other research methodologies. I have demonstrated my ability to continue disseminating significant analysis of

⁶² The language in *National Security Archive v. Department of Defense* reads, “A representative of the news media is, in essence, a person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn raw materials into a distinct work, and distributes that work to an audience.” *National Security Archive v. Department of Defense*, 880 F.2d 1381, 1387 (D.C. Cir, 1989).

documents obtained through FOIPA requests and other research methodologies. And I have expressed a firm intention to continue disseminating significant analysis of documents obtained through FOIPA requests and other research methodologies

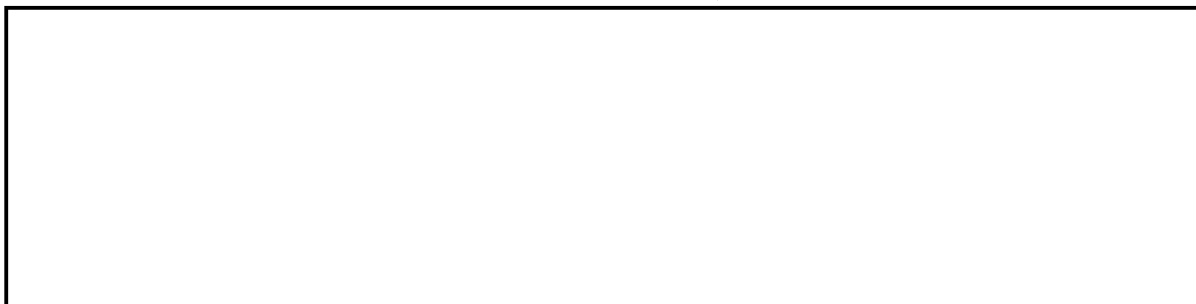
Therefore, in that I am “person or entity that gathers information of potential interest to the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience,” I solidly meet the applicable definition of “a representative of the news media.” As such, I have again more than satisfied the requirement for a fee waiver.⁶³

vi) Letter of Support, Historical:



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vii) Letter of Support, Journalistic:



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⁶³ 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. I have identified articles, an exhibit, and a book within which I firmly intend to, and in some cases already have, disseminate(d) my analysis of requested information. I have identified another news media representative whom I have already fruitfully provided my analysis of requested information, and with whom I firmly intend to continue collaborating on future dissemination of requested information. Ultimately, in contrast to *Judicial Watch*, which the court found to “merely make available [] the requested information,” I have established “a firm intention to disseminate” my analysis of the requested information. See *Judicial Watch, Inc. v. United States Department of Justice*, 185 F.Supp. 2d 54, 59 (D.D.C. 2002).

⁶⁴ *Ettlinger v. FBI*, 596 F. Supp. 867, 875 (D. Mass. 1984).

⁶⁵ *Ettlinger v. FBI*, 596 F. Supp. 867, 875 (D. Mass. 1984).

⁶⁶ <http://www.greenisthenewred.com/blog/bio/>

⁶⁷ <http://www.greenisthenewred.com/blog/bio/>

⁶⁸ <http://www.google.com/search?client=safari&rls=en&q=%22The+FBI+and+a+previously-unknown+informant+in+the+animal+rights+movement+%22&ie=UTF-8&oe=UTF-8>

⁶⁹ For example, see <http://www.animalrightszone.com/2005/animal-rights-movement/rights/&query=fbi+>

⁷⁰ For example, see <http://drstevebest.wordpress.com/2010/12/08/fbi-file-reveals-discussion-of-discrediting-animal-rights-activists-by-planting-rumors/>

⁷¹ For example, see <http://tprime.info/disinfo-never-dies-fbi-file-reveals-discussion-of-discrediting-animal-rights-activists-by-planting-rumors>

⁷² For example, see <http://freepeltiernow.blogspot.com/2010/12/cointelpro-never-went-away-fbi-file.html>

⁷³ <http://www.greenisthenewred.com/blog/fbi-file-reveals-discussion-of-discrediting-animal-rights-activists-by-planting-rumors/3282/>

viii) Letter of Support, Legal:



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In summation, the disclosure of the requested information will significantly contribute to expanded public understanding of government operations and activities. I have the firm intention and ability to disseminate this significant expansion of public understanding of government operations and activities. The public interest in this significant expansion of public understanding of government operations and activities far outweighs any commercial interest of my own. Accordingly, my request for a full waiver of fees amply satisfies the rules of 28 C.F.R. § 16.11(k)(2). Legislative history and judicial authority emphatically support this determination. For these reasons, and based upon their extensive elaboration above, I request that a full waiver of search and duplication fees for my FOIPA request for any and all information relating or referring to [redacted] be granted. I will appeal any denial of this request for a waiver of fees to the Department of Justice's 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 this matter.



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⁷⁴ *Ettlinger v. FBI*, 596 F. Supp. 867, 875 (D. Mass. 1984).



Privacy Act Statement. In accordance with 28 CFR Section 16.41(d) personal data sufficient to identify the individuals submitting requests by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required. The purpose of this solicitation is to ensure that the records of individuals who are the subject of U.S. Department of Justice systems of records are not wrongfully disclosed by the Department. Requests will not be processed if this information is not furnished. False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 552a(i)(3).

Public reporting burden for this collection of information is estimated to average 0.50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Suggestions for reducing this burden may be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, Public Use Reports Project (1103-0016), Washington, DC 20503.

Full Name of Requester ¹

Citizenship Status ² US. CITIZEN Social Security Number ³

Current Address

Date of Birth Place of Birth

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

Signature ⁴ Date 5/27/2011

OPTIONAL: Authorization to Release Information to Another Person

This form is also to be completed by a requester who is authorizing information relating to himself or herself to be released to another person.

Further, I authorize the U.S. Department of Justice to release any and all information relating to me to:
 Print or Type Name

¹ Name of individual who is the subject of the record(s) sought.

² Individual submitting a request under the Privacy Act of 1974 must be either "a citizen of the United States or an alien lawfully admitted for permanent residence," pursuant to 5 U.S.C. Section 552a(a)(2). Requests will be processed as Freedom of Information Act requests pursuant to 5 U.S.C. Section 552, rather than Privacy Act requests, for individuals who are not United States citizens or aliens lawfully admitted for permanent residence.

³ Providing your social security number is voluntary. You are asked to provide your social security number only to facilitate the identification of records relating to you. Without your social security number, the Department may be unable to locate any or all records pertaining to you.

⁴ Signature of individual who is the subject of the record sought.

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FEDERAL BUREAU OF INVESTIGATION
FOI/PA
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FOI/PA# 1363980-0

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FEDERAL BUREAU OF INVESTIGATION
FOI/PA
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07/07/11

Freedom of Information and Privacy Acts request for information on a living person: [redacted]

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To: Federal Bureau of Investigation
Record/Information Dissemination Section

This letter constitutes a formal request under the U.S. Freedom of Information and Privacy Acts (5 U.S.C. §552/552a) and the regulations promulgated thereunder. Please analyze the requested material under both 5 U.S.C. §552 and 5 U.S.C. §552a in order to produce the maximum number of results.

REQUESTER INFORMATION:

[redacted]

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Information Sought:

I request disclosure of any and all records that were prepared, received, transmitted, collected and/or maintained by the FBI, the National Joint Terrorism Task Force, or any Joint Terrorism Task Force relating or referring to the living person [redacted]

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Name: [redacted]
Date of Birth: [redacted]
Place of Birth: [redacted]
Current address: [redacted]
Social Security #: [redacted]

Attached please find [redacted] Privacy Waiver and Certification of Identity.

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Additional Background Information:

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Request for FBI Headquarters, Field Office, and Task Force Office Searches:

I request that a complete and thorough search for any and all materials relating or referring to be conducted in any and all indices, filing systems, and locations pertaining to any and all materials prepared, received, transmitted, collected and/or 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.

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Request for Main File and Cross-Reference searches:

I request that a search of all main file ***and cross-reference*** indices and indexes, as well as of all electronic and manual indices and indexes, be conducted for materials relating or referring to

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In conducting cross-reference searches, and as per my 6 July 2011 conversation with FBI FOIPA Public Liaison Officer Dennis J. Argall, please limit cross-reference searches to information pertaining *in any way to animal protection/rights and environmental protection/rights issues/organizations/individuals/events/investigations/etc.* Please interpret animal protection/rights and environmental protection/rights broadly, but please do limit cross-reference searches within these parameters. Please contact me for any clarification on this point.

For both main file and cross-reference searches, my request includes, but is not limited to, documents, reports, memoranda, letters, electronic files, "See Also" files, "Do Not File" files, "Official & Confidential" files, numbered and lettered subfiles, 1A envelopes, enclosures behind files (EBF's), "Personal & Confidential" files, photographs, audio tapes & videotapes, electronic or microphone surveillance (ELSUR or MISUR), or photographic surveillance, "JUNE" files, "Obscene" Files, "Subversive" Indexes, Bulky Exhibits, control files, mail covers, trash covers; and any index citations relating to or referencing ("see also") in other files. I request that all records be produced with the administrative markings and that all reports include the administrative pages.

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For both main file and cross-reference searches, please search *all* of your indices and indexes and interpret this request broadly.

Request for ELSUR, MISUR, and FISUR searches:

As part of the above request, for both main file and cross-reference searches, I request that a search of all electronic, microphone, and physical surveillance indices and indexes for any and all records relating or referring to [] be conducted.

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Request for electronic and paper searches:

As part of the above request, for both main file and cross-reference searches, I request that a search of all electronic and paper records for any and all materials relating or referring to [] be conducted.

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Request for ticklers:

As part of the above request, for both main file and cross-reference searches, I request that a search for any and all "ticklers" relating or referring to [] be conducted.¹

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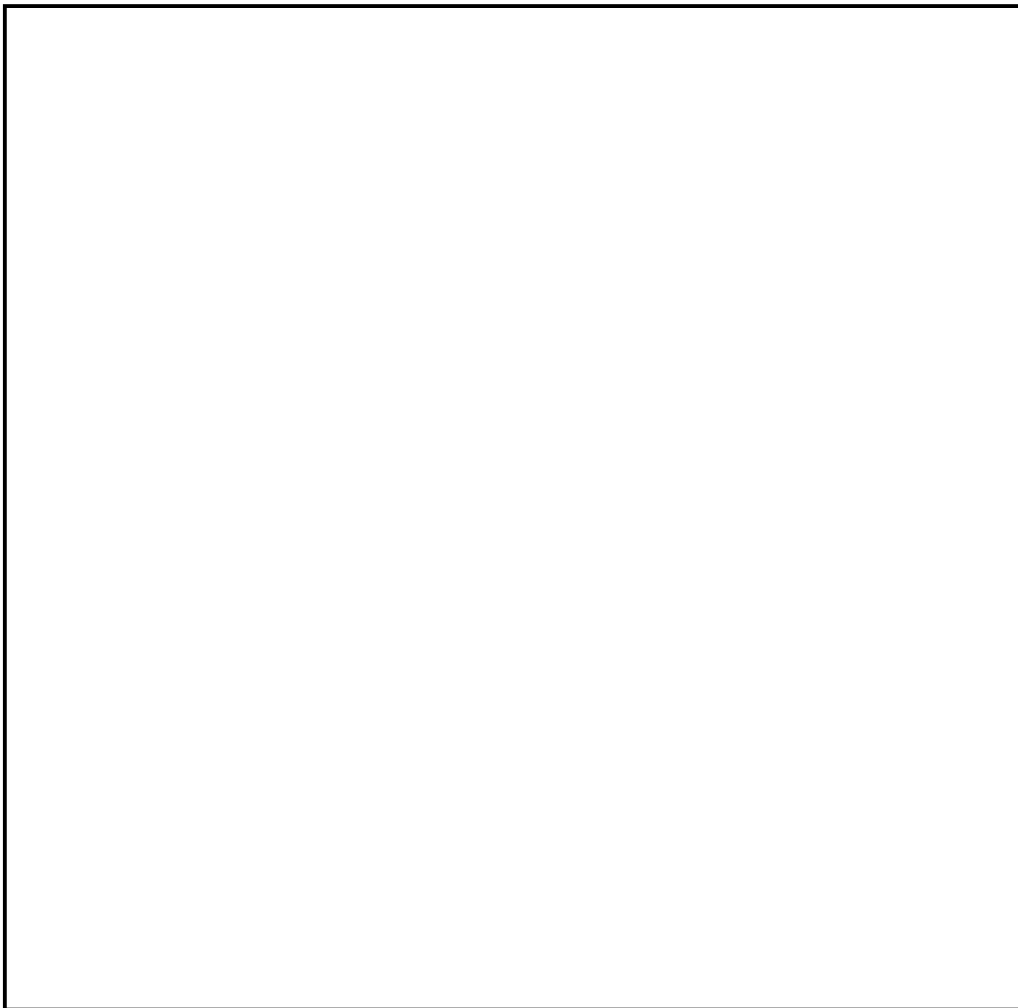
Request for Additional Included References:

As part of the above request, I request that any references to the below living and deceased individuals contained in the above-requested release [] be provided to me unredacted. These below individuals have all provided me with signed privacy waivers pursuant of this end, or I have obtained obituaries for them. With the exceptions of [] for whom I am here enclosing privacy waivers, I have already submitted copies of all of these privacy waivers and obituaries. Please refer any questions on this point to Dennis J. Argall, FBI FOIPA Public Liaison Officer.

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¹ 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."

-Amory, Cleveland (1917-1981)

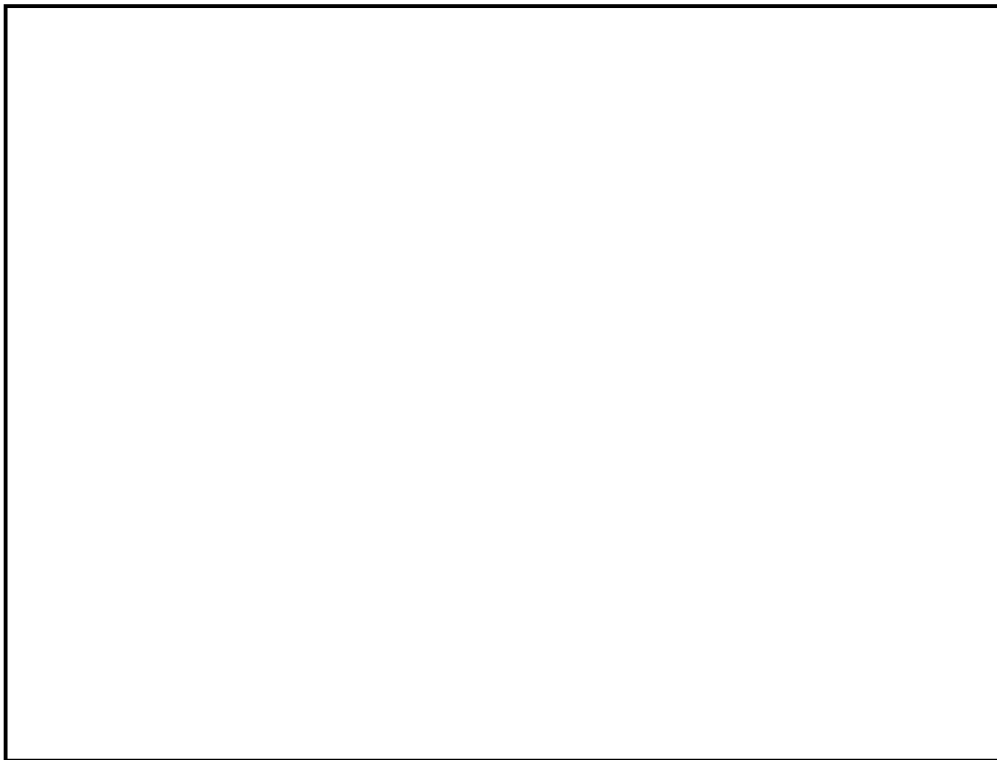


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-Cate, Dexter L. (1943-1990)



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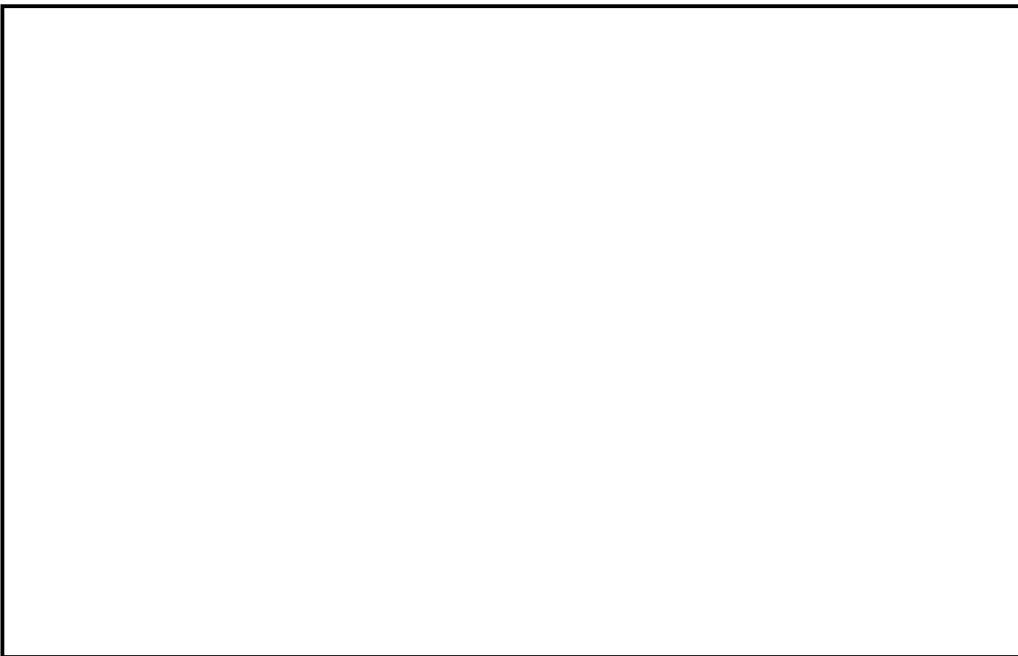
-Herrington, Alice (ca. 1919-1994)

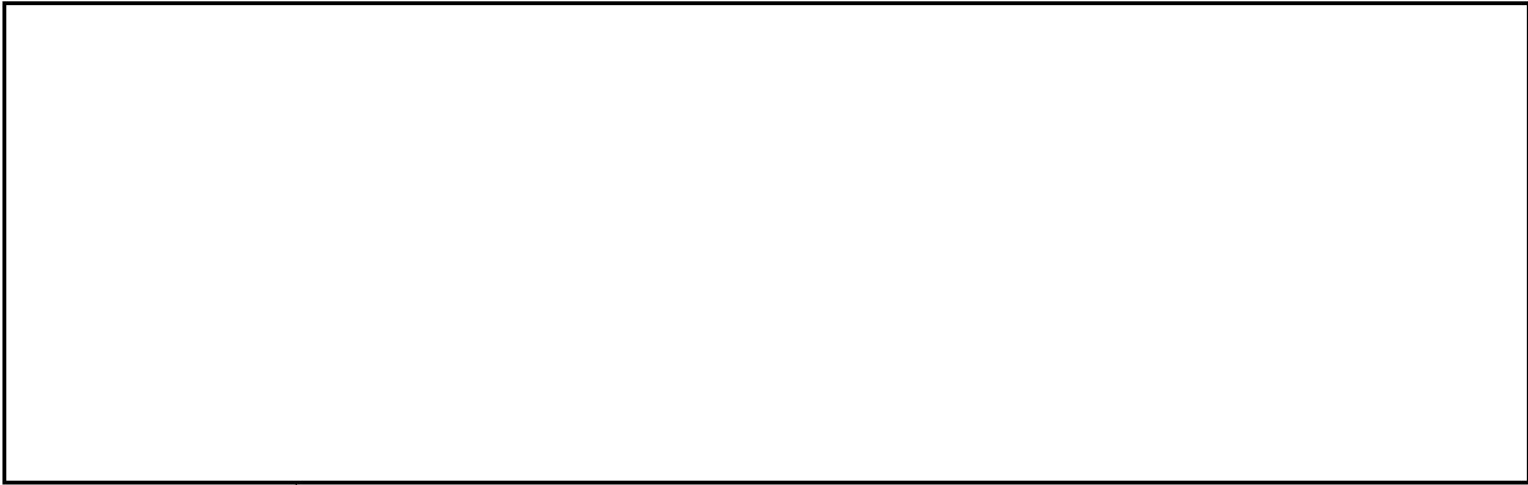


-Hutto, Henry (1953-2003)

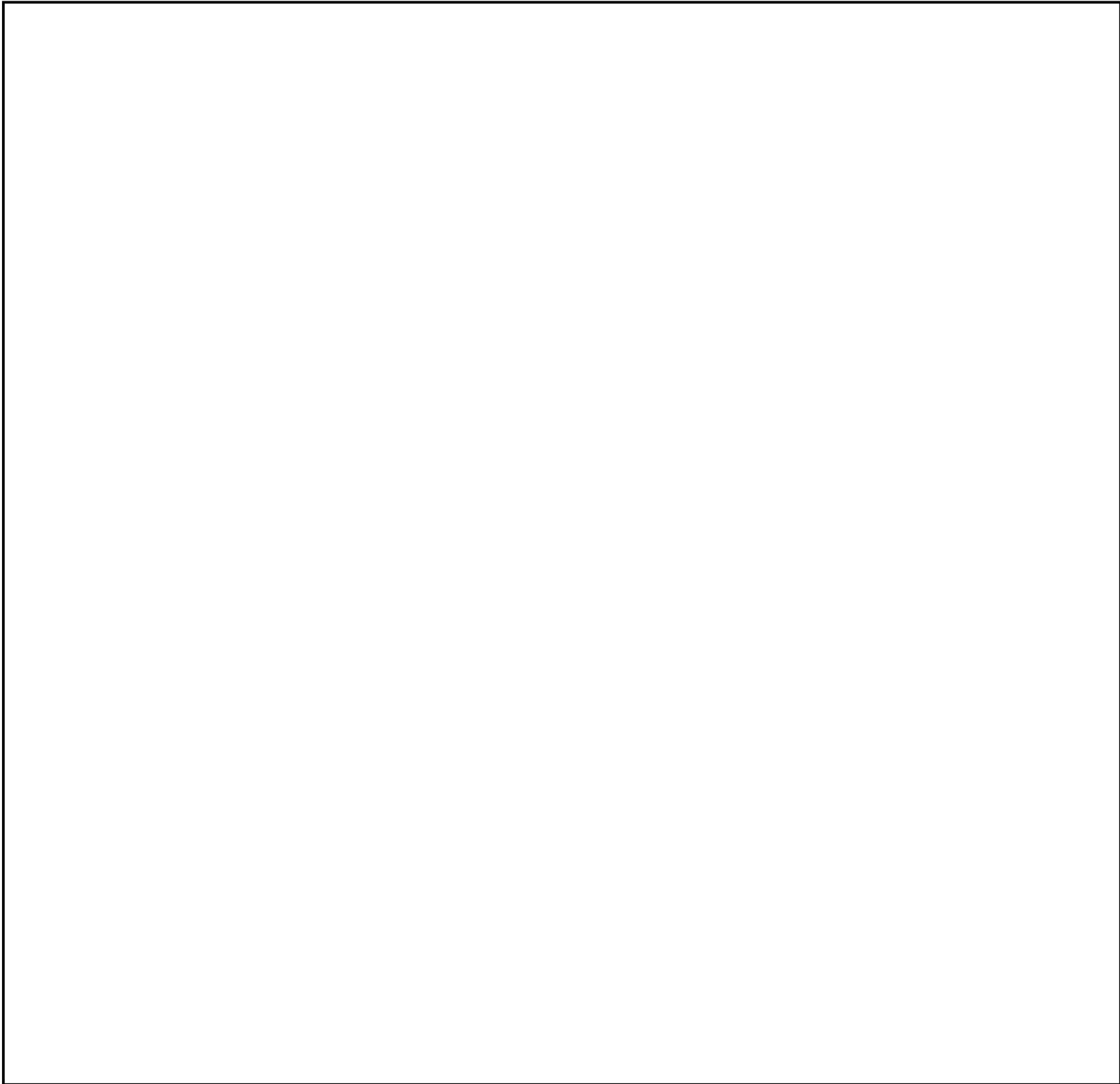


-Jones, Helen (?-1998)



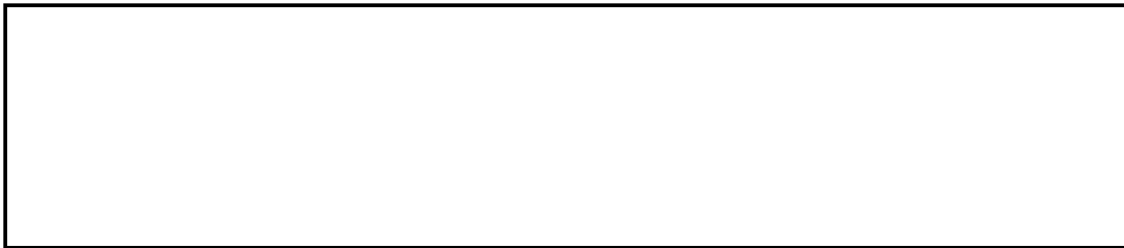


-Myers, Fred (1904-1963)



-Seiling, Eleanor (ca. 1907-1985)





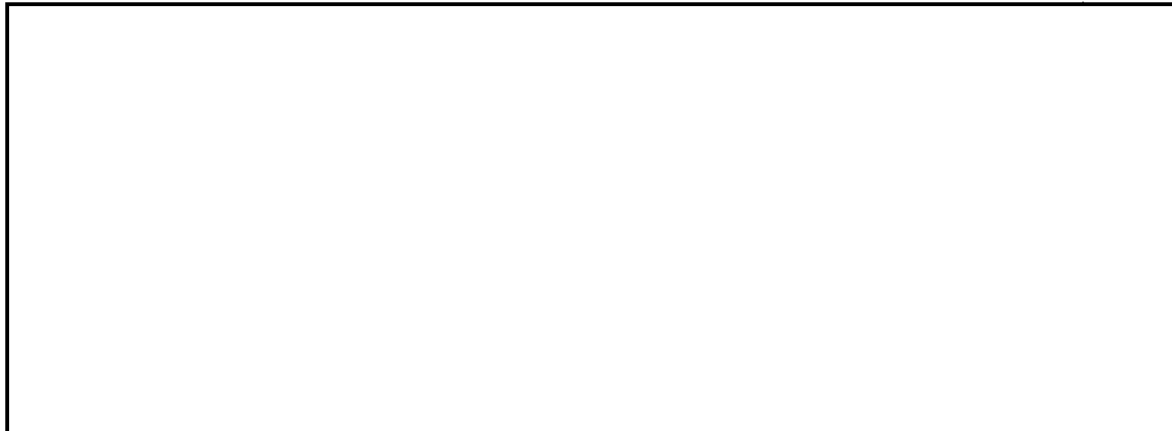
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-Spira, Henry (1927-1998)



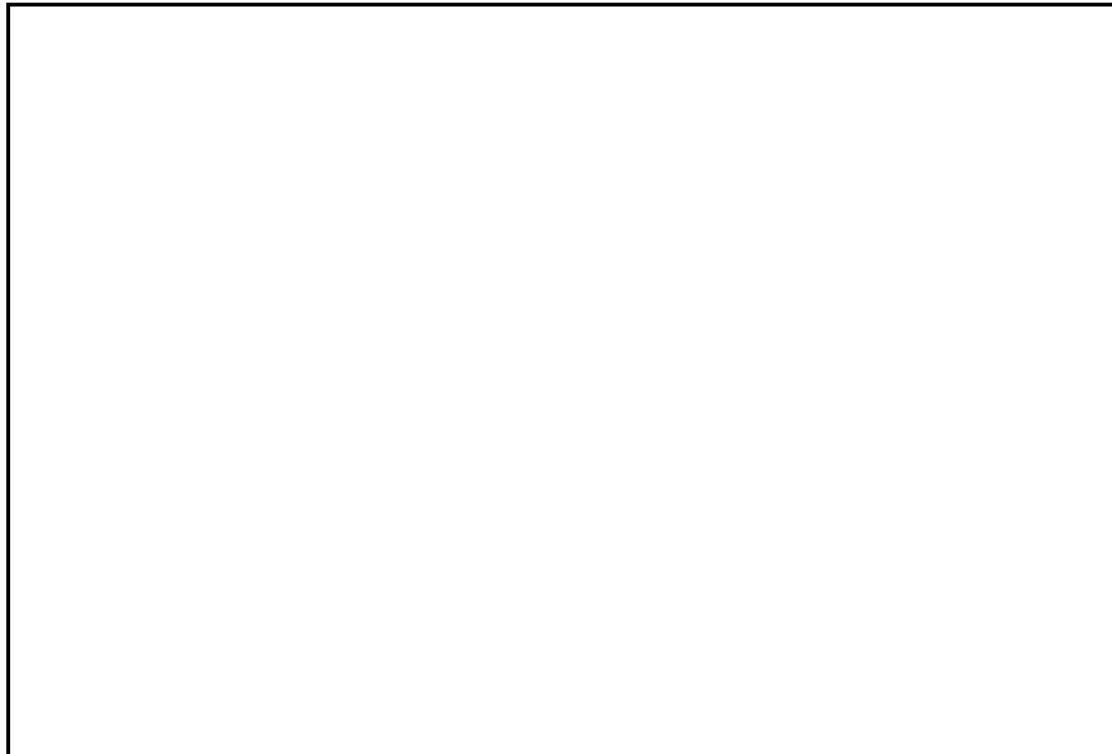
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-Stewart, Leslie (1936-2009)



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-Troen, Roger (1931-2008)



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Request for FOIA Search Slip:

As part of the above request, I request that a copy of the **FOIA Search Slip** generated as a result of this request be provided to me.

Exemptions:

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.²

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

Nevertheless, 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.

In excising material, please "black out" the material rather than "white out" or "cut out." I expect, as provided by FOIA, that the remaining non-exempt portions of 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.

² 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/>

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.

Format:

I request that any releases stemming from this request be provided to me in digital format on a compact disk or other like media.

Additionally:

Please place any "missing" files pertaining to this request on "special locate" and advise me that you have done this.

Please send a memo (copy to me) to the appropriate units in your office to assure that no records related to this request are destroyed. Please advise of any destruction of records and include the date of and authority for such destruction.

Payment:

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.'").

Important note regarding fees:

This present request, along with all of my so-designated FOIPA requests, pertains to my research on the relationships between the FBI and the animal rights movement. As articulated below, all of my so-designated FOIPA requests pertain to this one project. The FBI has determined that this project qualifies for a waiver of fees. (See my FOIPA request # 1143549-000-Animal Liberation Front, as well as my FOIPA request # 1157020-Justice Department).

The FBI openly acknowledges the unity for processing/duplication fee purposes of my "animal rights" FOIPA requests. In its 3 May 2010 letter to me (attached), the FBI asserts that, "Based on your correspondence, we have determined that the subjects of your requests are similar in nature (animal rights), therefore you will be charged aggregate fees." And again, the FBI reiterates this point in its 24 May 2011 letter to me (attached) referencing my FOIPA request # 1161727-000 [REDACTED] [REDACTED]. Writes the FBI, "Because your FOIA requests are similar in scope and content, they constitute a series of related requests, and you are being charged aggregate duplication fees for all of your requests." As made clear within the FOIA statute itself, this aggregation by the FBI is a declaration by the FBI that the Bureau considers all of my "animal rights" related FOIPA requests to "actually constitute a single request." 5 U.S.C. §552 (a)(6)(B)(iv).

As the FBI granted me a waiver of fees for my FOIPA request # 1143549-000-Animal Liberation Front, and as the FBI aggregated this FOIPA request with all of my other "animal rights" related FOIPA requests, the FBI must grant me a waiver of fees for all of my "animal rights" related FOIPA requests, including this present request. It should be noted that this is the position of FBI FOIPA Public Liaison Officer, Dennis J. Argall, with whom I discussed this matter in detail on 29 June 2011. Please refer any questions on this point to Mr. Argall.

As detailed below, 1) The subject of the requested records concerns the operations of government. 2) The disclosure of the requested information is likely to significantly contribute to greater understanding of government operations. 3) The disclosure of the requested information will significantly contribute to greater public understanding of government operations. 4) I have the ability and intention to disseminate said information to the public. 5) My dissemination of the requested information will contribute significantly to expanded public understanding of government operations.

i) Disclosure of Documents Will Significantly Contribute to Public Understanding of Government operations:

The disclosure of the documents I requested is in the public interest because the information is likely to contribute significantly to public understanding of the operations or activities of government and is not primarily in my commercial interest. 28 C.F.R. § 16.11(k)(2). As stated in the legislative history, "A requester is likely to contribute significantly to public understanding if the information disclosed is new; supports public oversight of agency operations; or otherwise confirms or clarifies data on past or present operations of the government." 132 Cong. Rec. H9464 (Reps. English and Kindness). This request amply satisfies these requirements.

The animal rights movement is a major American social and political movement that is daily engaged in heated controversies with government agencies. It is one of the most controversial and quickly growing social movements in the United States, and volumes upon volumes of new scholarly and popular literature on the animal rights movement are produced each year. Even the most cursory investigation demonstrates the tremendous general public interest, as well as scholarly interest, in the animal rights movement. A quick search for "animal rights" on Google.com yields "about 3,950,000" results. An Amazon.com "book search" for "animal rights" yields 1,512 results. And a search for "animal rights" on the scholarly article search engine JSTOR yields 4,104 results. Even the FBI's own website yields dozens upon dozens of search results for "animal rights."³

The FBI is the leading law enforcement and domestic counter-terrorism governmental agency in the United States. As with the animal rights movement, even the most cursory of investigations demonstrates the tremendous general public interest, as well as scholarly interest, in the operations of the FBI. A quick search for "Federal Bureau of Investigation" on Google.com yields "about 2,600,000" results. An Amazon.com "book search" for "Federal Bureau of Investigation" yields 1,480 results. And a search for "Federal Bureau of Investigation" on the scholarly article search engine JSTOR yields 4,611 results.⁴ In particular, the FBI's investigations of, and at times campaigns against, American social justice and advocacy organizations remain among the most controversial of FBI and domestic U.S. governmental operations.⁵

³ Searches conducted on 29 May 2010.

⁴ Searches conducted on 9 March 2011.

⁵ This point is explored further below. However, for further evidence of the consistently controversial nature of FBI operations concerning American social justice and advocacy organizations, one need look no further than popular and scholarly attention to COINTELPRO (Counter Intelligence Program), the FBI's infamous 1950s-1970s assaults on the civil liberties of American advocacy organizations. A quick search for "COINTELPRO" on Google.com yields "about 362,000" results. An Amazon.com "book search" for "COINTELPRO" yields 111 results. And a search for "COINTELPRO" on the scholarly article search engine JSTOR yields 272 results. (Searches conducted on 9 March 2011). Further, the FBI's understanding and handling of the animal rights movement is increasingly compared to COINTELPRO. (For example, see GreenIsTheNewRed.com). My research directly examines these connections. Already, and as discussed below, FBI documents obtained by me through FOIA requests, and my analysis of these documents, have been used by an award-winning journalist to highlight the similarities between the FBI's COINTELPRO program and its current handling of the animal rights

As my research demonstrates, the FBI has played a profound, shifting, and deeply controversial role in the evolution of the animal rights movement and its efforts to protect animals. Relatedly, and as discussed in part below, the animal rights movement has played a profound, shifting, and deeply controversial role in the evolution of the FBI's understanding of its own mission. Further, the often hidden intersections of the animal rights movement and FBI operations have played profound, shifting, and again deeply controversial roles in defining the meanings and limits of "terrorism," "national security," and "free speech" in the United States.

To date, almost no scholarly information, and little other information, is available to scholars or the broader public on these vital issues. Further, the little information on these matters that is currently available to scholars and the broader public is almost entirely based upon press articles, interviews with activists, and to a lesser extent, court records. Virtually none of this already minimal information builds upon the internal records of the FBI. FBI records pertaining to the Bureau's understanding and handling of the animal rights movement contain vital information on these matters that is not available through any other sources.⁶ As such, these highly controversial topics concerning government operations, national security, and free speech are not

and environmental movements. See <http://www.greenisthenewred.com/blog/fbi-file-reveals-discussion-of-discrediting-animal-rights-activists-by-planting-rumors/3282/>

⁶ Scholarly analysis of FOIA-obtained FBI records is a well-accepted research methodology. 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). And, while I am the first scholar to systematically request and analyze FBI documents pertaining to the Bureau's understanding and handling of the animal rights movement, for an example of scholarly analysis of Canadian Access to Information Act-obtained intelligence agency records pertaining to Canadian governmental suppression of animal rights activists, see Kevin Walby and Jeffrey Monaghan's "Private Eyes and Public Order: Policing and Surveillance in the Suppression of Animal Rights Activists in Canada," *Social Movement Studies* (Vol. 10, No. 1, 21-37, January 2011).

only grossly under-examined, but the few examinations that even begin to touch upon them neglect to examine the key sources that would by far shed the most light upon the nature and evolution of the FBI's deeply consequential and controversial understanding and handling of the animal rights movement. Pursuant of correcting these vast gaps in public understanding of government operations, I have requested through the Freedom of Information Act, and will continue to request, information held by the FBI pertaining to key individuals, organizations, and events related to the FBI's role in animal use and protection conflicts from the pre-World War II period to the present. As detailed below, the disclosure of information held by the FBI pertaining to its understanding and handling of [redacted] will significantly contribute to my research into the intersections of the animal rights movement and FBI operations, and as such will significantly contribute to expanded public understanding of government operations, as well as support the public oversight of government agencies.

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The FBI is unambiguous about the significant public importance of the militant/extremist animal rights movement, and especially of the movement's direct action tactics employed and espoused by activists such as [redacted].⁸ Further, the FBI is especially unambiguous about the even greater significant public importance of the FBI's own handling of the militant/extremist animal rights movement and its associated direct action techniques. Even a quick search for "animal rights" on the FBI's own webpage reveals dozens of hits with titles such as "Addressing the Threat of Animal Rights Extremism and Eco-Terrorism" (Senate testimony), "Animal Rights Extremism and Ecoterrorism" (Senate testimony), and "Investigating and Preventing Animal Rights Extremism" (Senate testimony).⁹ The special significance of "direct action" animal rights tactics, such as those employed and espoused by [redacted] are repeatedly singled out by the FBI in the above testimony and throughout the search results for "animal rights" on the FBI website.¹⁰ Indeed, as of 2005, FBI

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⁷ For example, see [http://www.animalrights.net/2004/\[redacted\]again-jailed-for-refusing-to-cooperate-with-grand-jury/](http://www.animalrights.net/2004/[redacted]again-jailed-for-refusing-to-cooperate-with-grand-jury/) and [http://www.animalrights.net/tag/\[redacted\]](http://www.animalrights.net/tag/[redacted]) and <http://portland.indymedia.org/en/2004/08/295568.shtml> and <http://portland.indymedia.org/en/2001/10/4284.shtml> <http://portland.indymedia.org/en/2001/10/4284.shtml>

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⁸ For one example among many, see Deputy Assistant Director, Counterterrorism Division, FBI, John E. Lewis, "Addressing the Threat of Animal Rights Extremism and Eco-Terrorism." Testimony before United States Senate Committee on Environment and Public Works. 18 May 2005. Available online at: <http://www.fbi.gov/news/testimony/addressing-the-threat-of-animal-rights-extremism-and-eco-terrorism/?searchterm=%22animal%20rights%22>

⁹ <http://www.fbi.gov/search?SearchableText=%22animal+rights%22>

¹⁰ <http://www.fbi.gov/search?SearchableText=%22animal+rights%22>

Deputy Assistant Director John Lewis asserted, "The No. 1 domestic terrorism threat is the eco-terrorism, animal-rights movement[.]"¹¹

Given that the FBI itself repeatedly and insistently affirms the significant public threat to American national security posed by militant/extremist animal rights activists and their direct action tactics, and the even greater public significance of the FBI's aggressive and much-touted responses to militant/extremist animal rights activists and their direct action tactics, the disclosure by the FBI of information pertaining to its understanding and handling of the militant animal rights direct action activist [redacted] will significantly contribute to expanded public understanding of government operations concerning the maintenance of American national security in the face of domestic terrorism.

Relatedly, the significant public interest in the disclosure of information pertaining to the FBI's understanding and handling of [redacted] is further supported by the existence of an ongoing public controversy over the FBI's designation of the militant animal rights and environmental movements as "The No. 1 domestic terrorism threat" faced by the United States today.¹² Given, as the FBI concedes, that no animal rights or environmental organization has ever physically injured a single person in the movements' decades of existence in the United States, many persons and organizations from across the political spectrum have openly questioned the merit and wisdom of designating the animal rights movement as the leading domestic terror threat.¹³

For example, Henry Schuster, a senior producer in CNN's investigative unit who has covered terrorism for CNN for over a decade, wrote a 24 August 2005 article for CNN.com titled, "Who's Most Dangerous?: Eco-terrorists are now above ultra-right extremists on the FBI charts."¹⁴ In this article, CNN's Schuster is highly critical of the FBI's decision to designate the animal rights movement as more dangerous to the United States than right-wing militia groups and violent racist organizations with long histories of extreme violence against persons and murder.

Especially vocal on this point, and quoted at length in Schuster's article, is Mark Potok of the Southern Poverty Law Center, a leading civil rights organization that has tracked hate crimes and violent extremism in the United States for decades. Though no fan of the animal rights movement, Potok is adamant that, "It is simply ludicrous to describe animal rights and eco-terrorism as the No. 1 threat. [...] It is

¹¹ Schuster, Henry. "Who's Most Dangerous?: Eco-terrorists are now above ultra-right extremists on the FBI charts." CNN.com, 24 August, 2005.

See also, "Associated Press. "FBI surprise on top Domestic Terror Threat: It's not abortion foes or Klan, but animal and eco-extremists." MSNBC.com, 19 May 2005.

¹² Schuster, Henry. "Who's Most Dangerous?: Eco-terrorists are now above ultra-right extremists on the FBI charts." CNN.com, 24 August, 2005.

¹³ Ibid.

¹⁴ Ibid.

difficult to understand how the leaders of our major national security organizations can see it this way."¹⁵ According to Schuster, "Potok thinks politics is behind the decision: Political pressure from the White House and conservative Republicans toward the environmental movement is, in part, the reason eco-terrorism is now the priority, he said."¹⁶

Both CNN's Henry Schuster and the Southern Poverty Law Center's Mark Potok are deeply concerned by the ramifications of what they perceive to be the FBI's political rather than security-oriented criteria for calculating America's domestic terror priorities. Asserts Schuster, "[I]f you are the FBI or Department of Homeland Security, your domestic terror priority drives how finite resources are allocated -- especially when so much attention and money is focused on al Qaeda and international terror."¹⁷ Follows Potok, "My worry is that, [because of the political designation of animal rights organizations as America's leading domestic terror threats,] just as in the years running up to the Oklahoma City bombing, ... we will ignore a world of violence emanating from our own extreme right."¹⁸

Similarly, award-winning independent journalist Will Potter¹⁹ regularly invokes the FBI's designation of animal rights organizations as the nation's leading domestic terror threats as evidence of widespread political exploitation of post 9-11 concerns over domestic terrorism.²⁰ For example, Potter questions the wisdom, legitimacy, and consequences of FBI priorities that classify as "not terrorists" individuals and organizations including a tax protester who flew a plane into an IRS building in Texas²¹, militia members who incited brick attacks on lawmakers' offices²², and a white supremacist anti-Semite who murdered a guard at the National Holocaust Museum²³, while militant/extremist animal rights organizations, which, as the FBI concedes, have never physically injured a single person in American history, are designated the leading domestic terror threat. Writes Potter, "Focusing scarce anti-terrorism resources on animal rights and environmental activists, while there are clearly domestic groups who have, and will continue, to carry out physical violence, puts all Americans at risk. Perhaps if the government spent less time preparing for

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ <http://www.greenisthenewred.com/blog/bio/>

²⁰ For three (of many) examples of Potter's treatment of the issue, see:

<http://www.greenisthenewred.com/blog/video-number-one-domestic-terrorism-threat/2651/>

<http://www.greenisthenewred.com/blog/tea-party-terrorist/2616/>

<http://www.greenisthenewred.com/blog/joseph-andrew-stack-not-terrorist-irs/2529/>

<http://www.greenisthenewred.com/blog/green-scare/>

²¹ <http://www.greenisthenewred.com/blog/joseph-andrew-stack-not-terrorist-irs/2529>

²² <http://www.greenisthenewred.com/blog/tea-party-terrorist/2616/>

²³ <http://www.greenisthenewred.com/blog/white-supremacist-opens-fire-at-holocaust-museum-terroris-but-will-it-be-labeled-terrorism/2155/>

attacks by environmentalists, events like this [the deadly 19 February 2010 suicide plane attack on the Austin IRS building] could be prevented."²⁴

Even the Department of Justice (DOJ) itself has openly criticized the FBI's designation of animal rights activists (and other similar social activist groups) as a domestic terror priority. In a 2003 DOJ audit of the FBI, the DOJ found that the FBI should,

Consider transferring responsibility for investigating crimes committed by environmental, animal rights, and other domestic radical groups or individuals from the Counterterrorism Division to the Criminal Investigative Division, except where a domestic group or individual uses or seeks to use explosives or weapons of mass destruction to cause mass casualties. [...] To the extent that the FBI seeks to maximize its counterterrorism resources to deal with radical Islamic fundamentalist terrorism, WMD, and domestic groups or individuals that may seek mass casualties, we believe that FBI management should consider the benefit of transferring responsibility for criminal activity by social activists to the FBI's Criminal Investigative Division. Although the activities of such groups fall under the FBI's definition of domestic terrorism, a more focused definition may allow the FBI to more effectively target its counterterrorism resources.²⁵

The disclosure by the FBI of information pertaining to its understanding and handling of militant animal rights direct action activist [redacted] will significantly contribute to expanded public understanding of government operations concerning the designation of domestic terror priorities and the allocation of resources between domestic terror priorities, as well as support the public oversight of government agencies.

Further [redacted] is suspected by law enforcement of involvement with the militant underground group the Animal Liberation Front (ALF).²⁶ The ALF is the animal rights organization most explicitly designated by the FBI as the "The No. 1 domestic terrorism threat" in the United States.²⁷

²⁴ <http://www.greenisthenewred.com/blog/joseph-andrew-stack-not-terrorist-irs/2529/>

²⁵ Office of the Inspector General, Audit Division, U.S. Department of Justice, "Audit Report 04-10, The Federal Bureau of Investigation's Efforts to Improve the Sharing of Intelligence and Other Information," (Dec. 2003). X, 34.

Also see http://www.greenisthenewred.com/blog/justice-department-warned-fbi/3423/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+GreenIsTheNewRed+%28Green+Is+The+New+Red.com%29&utm_content=Google+Feedfetcher

²⁶ See for example, <http://portland.indymedia.org/en/2004/08/295568.shtml>

²⁷ Schuster, Henry. "Who's Most Dangerous?: Eco-terrorists are now above ultra-right extremists on the FBI charts." CNN.com, 24 August, 2005.

The FBI openly and unambiguously acknowledges the significant public importance of the ALF, and the even more significant public importance of the FBI's handling of the ALF. On 18 May 2004, FBI Deputy Assistant Director Lewis, the top FBI official in charge of domestic terrorism, informed the United States Senate Judiciary Committee that,

Currently, more than 34 FBI field offices have over 190 pending investigations associated with ALF/ELF activities.

[...] The FBI's commitment to address the threat can be seen in the proactive approach that we have taken regarding the dissemination of information. Intelligence Information Reports (IIRs) are used as a vehicle for delivering FBI intelligence information to members of the Intelligence, Policy and Law Enforcement Communities. Since its establishment in March 2003, the Domestic Collection, Evaluation and Dissemination Unit has issued 20 IIRs to the field relating specifically to animal rights/eco-terrorism activity.

The commitment to addressing the threat posed by animal rights extremists and eco-terrorism movements can also be demonstrated by the FBI's proactive information campaign. This campaign has included ongoing liaison with federal, state, and local law enforcement and prosecutors, relevant trade associations and targeted companies and industries. The FBI has established a National Task Force and Intelligence Center at FBIHQ to coordinate this information campaign, and develop and implement a nationwide, strategic investigative approach to addressing the animal rights/eco-terrorism threat in the United States. The FBI has also conducted liaison and cooperated in investigations with foreign law enforcement agencies regarding animal rights extremist/ecoterrorism matters.

In conclusion, the FBI has made the prevention and investigation of animal rights extremists/eco-terrorism matters a domestic terrorism investigative priority. The FBI and all of our federal, state and local law enforcement partners will continue to strive to address the difficult and unique challenges posed by animal rights extremists.²⁸

Similarly, during a 14 March 2005 speech at the 4th Annual conference on Public Safety, FBI Deputy Assistant Director John Lewis again repeatedly invoked the supposed leading domestic terror menace posed by the ALF, and the FBI's deep commitment to aggressive action against the ALF.²⁹ Both of the above-noted speeches invoking the intensity of ALF activity, and of the intensity of FBI responses

²⁸ <http://www2.fbi.gov/pressrel/speeches/lewis031405.htm>.

²⁹ <http://www2.fbi.gov/pressrel/speeches/lewis031405.htm>

to ALF activity, along with many other similar statements by FBI officials concerning the public importance of the ALF and ELF, and of the FBI's responses to it, are publically available on the FBI's own website.³⁰

Further, again explicitly invoking the ALF, as of 2005, FBI Deputy Assistant Director John Lewis asserted "The No. 1 domestic terrorism threat is the eco-terrorism, animal-rights movement[.]"³¹

Given that the FBI itself repeatedly and insistently affirms the significant public threat to American national security posed by the actions of the ALF, and the even greater public significance of the FBI's aggressive and much-touted responses to the ALF, and given that [redacted] is suspected by law enforcement of being an ALF activist, the disclosure by the FBI of information pertaining to its understanding and handling of suspected ALF activist [redacted] will significantly contribute to expanded public understanding of government operations concerning the maintenance of American national security in the face of domestic terrorism.

Additionally [redacted] has been a leader of the militant animal rights/anti-animal experimentation organization Stop Huntington Animal Cruelty (SHAC).³² The FBI is unambiguous about the significant public importance of SHAC, and the even greater significant public importance of the FBI's handling of SHAC. In 2003, the FBI's largest investigation appears to have been the Bureau's intensive investigation SHAC other leaders. According to court documents from the subsequent federal prosecution of 7 SHAC activists, FBI wiretaps during the course of its 2003 investigation of SHAC leaders reportedly outnumbered the intercepted communications of the FBI's second largest investigation of that year by a measure of 5 to 1.³³ Highlighting the primacy of the FBI's anti-SHAC efforts, FBI Deputy Assistant Director John Lewis opened a 26 October 2005 speech to the United States Senate Committee on Public Works by stating, "Good morning Chairman Inhofe, ranking member Jeffords, and members of the committee. I am pleased to be here again to discuss the threat posed by animal rights activists, and by the Stop Huntington Animal Cruelty, or the SHAC movement, in particular."³⁴ The FBI has also publicly announced its involvement in the 2007 arrests of 30 SHAC activists in

³⁰At FBI.gov, search for "Animal Liberation Front," "Earth Liberation Front," "ALF," "ELF," and "ALF/ELF."

³¹ Schuster, Henry. "Who's Most Dangerous?: Eco-terrorists are now above ultra-right extremists on the FBI charts." CNN.com, 24 August, 2005. See also, "Associated Press. "FBI surprise on top Domestic Terror Threat: It's not abortion foes or Klan, but animal and eco-extremists." MSNBC.com, 19 May 2005.

³² <http://portland.indymedia.org/en/2001/10/4284.shtml>

³³ <http://www.crimethinc.com/texts/rollingthunder/shac.php>,
<http://www.supportlauren.com/shac.htm>.

I have not yet had the opportunity to personally inspect these court documents. However, even if the FBI's investigation of SHAC turns out not to have been the largest investigation of 2003, the crucial importance assigned by the FBI to the SHAC investigation is unambiguous, as will be shown above.

³⁴ <http://www.fbi.gov/congress/congress05/lewis102605.htm>

the UK, as well as publicly linked SHAC to Daniel Andreas, a current fugitive on the FBI's Most Wanted Terrorist List.³⁵ The FBI also closely links SHAC to the ALF, a group that, as noted, the FBI considers to be "The No. 1 domestic terrorism threat" in the United States[.]³⁶

Given that the FBI itself repeatedly and insistently affirms the significant public threat to American national security posed by the actions of SHAC, including [redacted] and the even greater public significance of the FBI's aggressive and much-touted responses to SHAC, including [redacted] the disclosure by the FBI of information pertaining to its investigation and handling of leading SHAC activist [redacted] will significantly contribute to expanded public understanding of government operations concerning the maintenance of American national security in the face of domestic terrorism.

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Additionally, the FBI's general handling of the animal rights movement itself has become deeply controversial. Prominent newspapers, such as the *Washington Post*, follow the controversies in headlines such as "FBI Papers Show Terror Inquiry Into PETA, Other Groups Tracked."³⁷ Civil liberties oriented bloggers, such as award-winning independent journalist Will Potter, report regularly on what they perceive to be the unconstitutional and repressive evils of the what is widely perceived to be the FBI's "political persecution" of the animal rights and environmental movements. Potter views the FBI campaign against animal rights activists to be so corrosive of civil liberties that he directly compares the situation to the Red Scare of McCarthyism, terming the present situation the "Green scare," and naming his blog, and his upcoming book, "Green Is The New Red."³⁸ United States Representative Denis Kucinich (D-OH) concurs, asserting that FBI-led efforts to target animal rights groups and organizations "will have a real and chilling effect on people's constitutionally protected rights," and that such efforts "do nothing to address the real issue of animal protection but, instead targets those advocating animal rights."³⁹

Numerous law journals and legal organizations are also joining the chorus of voices challenging the FBI's campaign against animal rights and environmental activists. For just one example, a 9 March 2007 editorial in the *Vermont Journal of Environmental Law* concluded that a fiercely FBI supported animal rights specific

³⁵ <http://www.fbi.gov/pressrel/pressrel07/ukarrests050107.htm>

<http://www.fbi.gov/pressrel/speeches/heimbach042109.htm>

³⁶ Schuster, Henry. "Who's Most Dangerous?: Eco-terrorists are now above ultra-right extremists on the FBI charts." CNN.com, 24 August, 2005. See also, "Associated Press. "FBI surprise on top Domestic Terror Threat: It's not abortion foes or Klan, but animal and eco-extremists." MSNBC.com, 19 May 2005.

³⁷ Spencer S. Hsu, "FBI Papers Show Terror Inquiry Into PETA, Other Groups Tracked." *Washington Post*, 20 Dec. 2005. Available online at: <http://www.washingtonpost.com/wp-dyn/content/article/2005/12/19/AR2005121901777.html>

³⁸ See GreenIsTheNewRed.com

³⁹ http://www.vjel.org/editorials/ED10060.html#_edn32

"anti-terror" bill "is an unconstitutional and mean-spirited product of "animal enterprise" lobbying that should be overturned by wise judges [...] or repealed by a Congress which passed this bill through a glass darkly, but then came face to face with compassion."⁴⁰ Likewise, the American Civil Liberties Union (ACLU) and the National Lawyers Guild strongly oppose FBI efforts to target animal rights and environmental activists as terrorists.⁴¹ In 2007, the American University Washington School of Law's chapter of the National Lawyers Guild hosted an event titled "The Green Scare! Prosecuting Environmental Activists as Terrorists." The event focused specifically on the threats to free speech and political dissent posed by the FBI's handling of the animal rights movement.⁴² Yale University recently hosted a nearly identical event, titled, "Green Scare: Redefining 'Terrorism' to Silence Non-violent Animal Rights Activists."⁴³

Even the Department of Justice itself has demonstrated significant concerns along these lines. Prompted by Congressional concerns about "whether the FBI had improperly targeted domestic advocacy groups for investigation based upon their exercise of First Amendment rights," the Department of Justice's Office of the Inspector General's Oversight and Review Division's September 2010 report "A Review of the FBI's Investigation of Certain Domestic Advocacy Groups" is scathing in its assessment of FBI behavior.⁴⁴ One of the five representative FBI investigations analyzed in detail in this DOJ report is the FBI investigation of prominent animal rights organization People for the Ethical Treatment of Animals (PETA).⁴⁵ The DOJ report found numerous glaring improprieties committed by the FBI in its investigations of the animal rights organization PETA, PETA leaders and employees, and other American advocacy organizations.⁴⁶

As detailed above, the FBI's understanding and handling of animal rights activists is at the very heart of multiple linked heated public controversies concerning civil liberties, the conduct of the FBI, free speech, national security, industry influence on government operations, animal protection, and the enactment of federal legislation. The disclosure by the FBI of information pertaining to its understanding and handling of leading militant animal rights direct action activist [redacted] will significantly contribute to expanded public understanding of government operations concerning all of the above, including the FBI, DOJ, and Congressional linkage of above and underground animal activist organizations engaged in non-violent legal and illegal activities for the

⁴⁰ Ibid.

⁴¹ <http://www.aclu.org/free-speech/aclu-letter-congress-urging-opposition-animal-enterprise-act-s-1926-and-hr-4239>

<http://www.nlg.org/Beyond%20AETA%20White%20Paper.pdf>

⁴² <http://www.wcl.american.edu/org/guild/events.cfm>

⁴³ <http://www.greenisthenewred.com/blog/yale-green-scare-event/2970/>

⁴⁴ United States Department of Justice, Office of the Inspector General, Oversight and Review Division, "A Review of the FBI's Investigation of Certain Domestic Advocacy Groups." September 2010. 173.

⁴⁵ United States Department of Justice, Office of the Inspector General, Oversight and Review Division, "A Review of the FBI's Investigation of Certain Domestic Advocacy Groups." September 2010. 93-124.

⁴⁶ United States Department of Justice, Office of the Inspector General, Oversight and Review Division, "A Review of the FBI's Investigation of Certain Domestic Advocacy Groups." September 2010.

purpose of classifying and prosecuting non-violent activists as domestic terrorists and potentially violating the civil liberties of protesters in the process.

ii) Intent and Ability to Disseminate Information:

I firmly intend to analyze the released documents in order to facilitate significant expansion of public understanding of government operations. I am well qualified to perform this analysis.

[Redacted]

[Redacted]

[Redacted]

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[REDACTED]

As should be clear from the above, I have the ability and firm intention to disseminate to the public significant expansions of understanding of government operations based on analysis of the requested disclosures.

iii) Disclosure Not Sought Primarily for Commercial Use:

An agency must apply a balancing test to determine whether the public interest is of a greater magnitude than that of the commercial interest of the requester. "A fee waiver or reduction is justified where the public interest standard is satisfied and that public interest is greater in magnitude than that of any identified commercial interest in disclosure." 28 C.F.R. § 16.11(k)(2).

In my case, the results of this balancing test are clear: I am seeking the release of the requested documents primarily for a public interest, not for a commercial use. As detailed above, I am requesting the release of documents to analyze for use in my dissertation, book, scholarly and popular articles, scholarly and popular lectures, and scholarly and popular exhibits. Though scholars do occasionally get paid for some of the above, this is not generally the case, and when it does occur the sums are modest. Most crucially, payment is not the primary purpose for which such work is conducted. [REDACTED]

[REDACTED]

With good reason therefore, many federal agencies have a default policy of considering academic research inherently non-commercial. For instance, the Department of Defense's website on the Freedom of Information Act states, "scholars writing books or engaged in other forms of academic research, may recognize a commercial benefit, either directly, or indirectly (through the institution they represent); however, normally such pursuits are primarily undertaken for educational purposes, and the application of a fee charge would be inappropriate."⁶⁶

More so, the judicial case histories concerning similar scholarly requests for waivers of fees pertaining to Freedom of Information Act requests solidly support my

⁶⁶ <http://www.dod.gov/pubs/foi/feewaiver.html>

contention that my request for the release of documents is primarily in the public interest and is not pursuant of primarily commercial ends.

In *Cambell 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 [redacted] the court held that, "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 documents from the FBI pertaining to investigations of members of a dissident political group, the court noted, "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 release of documents is in crucial ways identical to the situations described in the case law above. I seek documents 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 documents will significantly benefit the public interest, and this benefit to the public is of vastly greater magnitude than my minimal commercial interest.

Additionally, as also detailed in *Ettlinger v. FBI*, 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:

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* 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.*

As discussed in considerable detail above, the release of records stemming from this request will significantly contribute to significant expansion of public understanding of government operations concerning vital issues at the very highest levels of public interest in American governmental operations and the regulation thereof. Further, the information contained in the intended release is not available elsewhere and can only be obtained through the requested release. *For these reasons, and in keeping with former United States Attorney General Civiletti's instructions concerning scholars who are engaged in significant historical research, I request that a "complete rather than partial waiver" of duplication and search fees be granted.*⁶⁷

iv) 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).

Additionally, the courts have been equally clear that, in order to satisfy this public interest requirement, "the public" to be benefitted by a release of information to a scholar need not be the entire public. Rather, it need only 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 above substantially demonstrated that the population groups (scholarly and otherwise) significantly benefited by my analysis of the requested release are far larger than me alone. As such, I have more than satisfied the requirement for a fee waiver.

v) Additional Note on Journalistic 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 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).

⁶⁷ *Ettlinger v. FBI*, 596 F. Supp. 867, 874 (D. Mass. 1984).

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 above, I clearly satisfy this description.


Further, the OPEN Government Act of 2007’s definition of “a representative of the news media” is taken nearly verbatim from language used by the United States Court of Appeals, District of Columbia Circuit in the court’s 1989 FOIA fee waiver-oriented ruling in *National Security Archive v. Department of Defense*.⁶⁸ As the court also relatedly found in *National Security Archive v. Department of Defense*, a requester need not already have published numerous works in order to qualify as a representative of the news media. The court found that the express “intention” to publish or disseminate analysis of requested documents amply satisfies the above noted requirement for journalists to “publish or disseminat[e] information to the public.” *National Security Archive v. Department of Defense*, 880 F.2d 1386, (D.C. Cir, 1989). As detailed herein, I have already publicly disseminated significant analysis of documents obtained through FOIPA requests and other research methodologies. I have demonstrated my ability to continue disseminating significant analysis of documents obtained through FOIPA requests and other research methodologies. And I have expressed a firm intention to continue disseminating significant analysis of documents obtained through FOIPA requests and other research methodologies

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.” As such, I have again more than satisfied the requirement for a fee waiver.⁶⁹

⁶⁸ The language in *National Security Archive v. Department of Defense* reads, “A representative of the news media is, in essence, a person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn raw materials into a distinct work, and distributes that work to an audience.” *National Security Archive v. Department of Defense*, 880 F.2d 1381, 1387 (D.C. Cir, 1989).

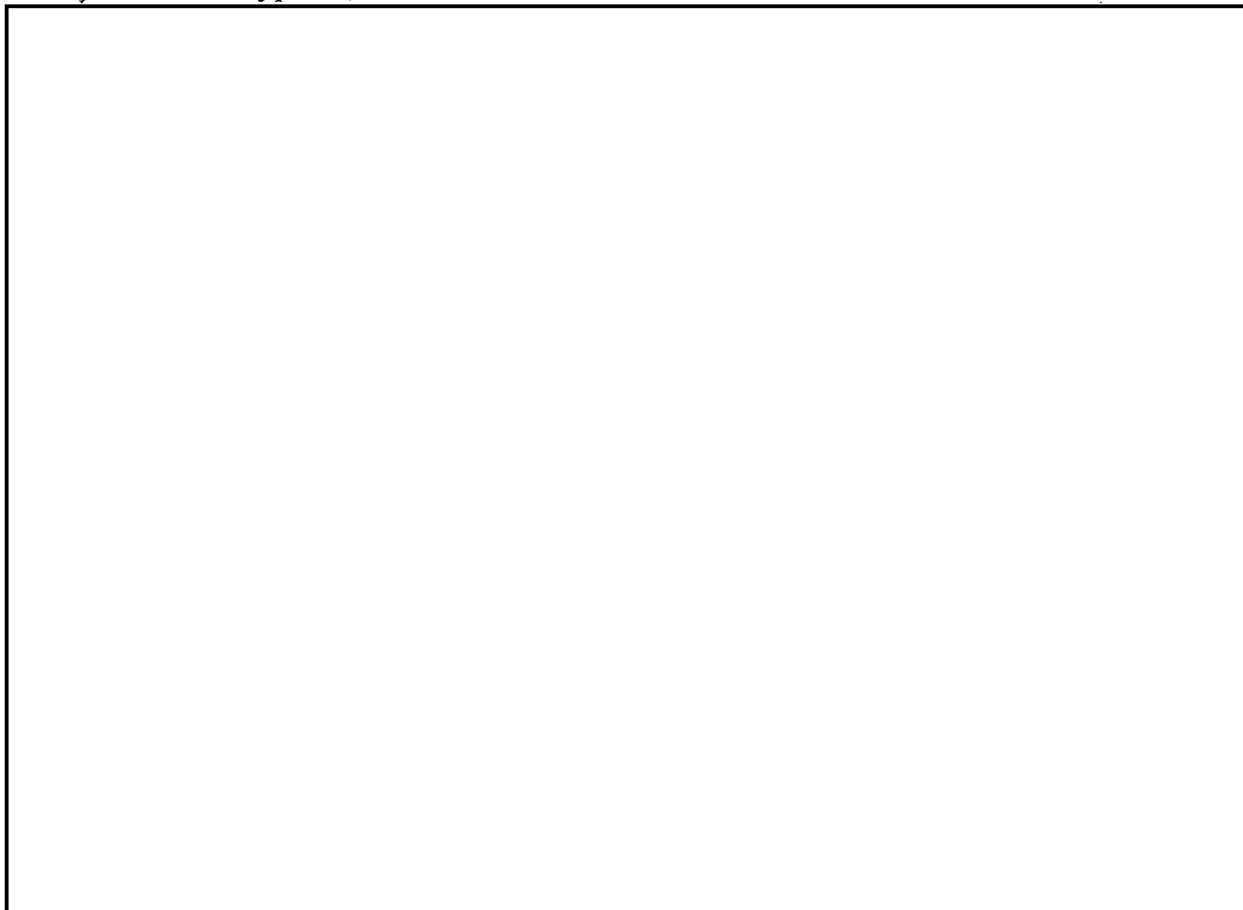
⁶⁹ Though the courts have subsequently narrowed the applicability of the *National Security Archive v. Department of Defense* ruling in terms of requirements to qualify as a representative of the news media (most notably in *Judicial Watch, Inc. v. United States Department Of Justice*), I still solidly 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. I have identified articles, an exhibit, and a book within which I firmly intend to, and in some cases already have, disseminate(d) my analysis of requested information. I have

vi) Letter of Support, Historical:

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vii) Letter of Support, Journalistic:

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identified another news media representative whom I have already fruitfully provided my analysis of requested information, and with whom I firmly intend to continue collaborating on future dissemination of requested information. Ultimately, in contrast to *Judicial Watch*, which the court found to "merely make available [] the requested information," I have established "a firm intention to disseminate" my analysis of the requested information. See *Judicial Watch, Inc. v. United States Department of Justice*, 185 F.Supp. 2d 54, 59 (D.D.C. 2002).

⁷⁰ *Ettlinger v. FBI*, 596 F. Supp. 867, 875 (D. Mass. 1984).

⁷¹ *Ettlinger v. FBI*, 596 F. Supp. 867, 875 (D. Mass. 1984).

⁷² <http://www.greenisthenewred.com/blog/bio/>

⁷³ <http://www.greenisthenewred.com/blog/bio/>

viii) Letter of Support, Legal:

⁷⁴ <http://www.google.com/search?client=safari&rls=en&q=%22The+FBI+and+a+previously-unknown+informant+in+the+animal+rights+movement+%22&ie=UTF-8&oe=UTF-8>

⁷⁵ For example, see <http://www.animalrightszone.com/2005/animal-rights-movement/rights/&query=fbi+>

⁷⁶ For example, see <http://drstevebest.wordpress.com/2010/12/08/fbi-file-reveals-discussion-of-discrediting-animal-rights-activists-by-planting-rumors/>

⁷⁷ For example, see <http://tprime.info/disinfo-never-dies-fbi-file-reveals-discussion-of-discrediting-animal-rights-activists-by-planting-rumors>

⁷⁸ For example, see <http://freepeltiernow.blogspot.com/2010/12/cointelpro-never-went-away-fbi-file.html>

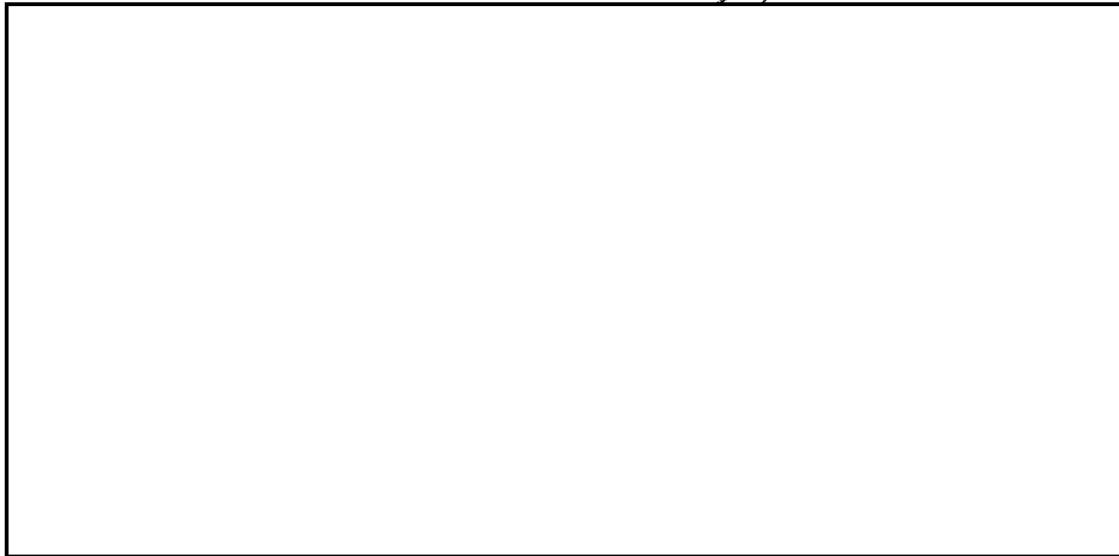
⁷⁹ <http://www.greenisthenewred.com/blog/fbi-file-reveals-discussion-of-discrediting-animal-rights-activists-by-planting-rumors/3282/>

⁸⁰ *Ettlinger v. FBI*, 596 F. Supp. 867, 875 (D. Mass. 1984).

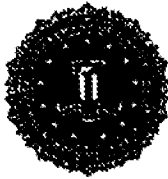
In summation, the disclosure of the requested information will significantly contribute to expanded public understanding of government operations and activities. I have the firm intention and ability to disseminate this significant expansion of public understanding of government operations and activities. The public interest in this significant expansion of public understanding of government operations and activities far outweighs any commercial interest of my own. Accordingly, my request for a full waiver of fees amply satisfies the rules of 28 C.F.R. § 16.11(k)(2). Legislative history and judicial authority emphatically support this determination. For these reasons, and based upon their extensive elaboration above, I request that a full waiver of search and duplication fees for my FOIPA request for any and all information relating or referring to [redacted] be granted. I will appeal any denial of this request for a waiver of fees to the Department of Justice's 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 this matter.



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U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

May 3, 2010

[Redacted]

Dear [Redacted]

This letter is in reference to your Freedom of Information Act (FOIA) requests listed below:

<u>FOIA Number</u>	<u>Subject</u>	<u>Potentially Responsive pages</u>
1146934-000	[Redacted]	934
1144394-000	IN DEFENSE OF ANIMALS	217
1143471-000	[Redacted]	1398
1143469-000	MAURICE BOLKS VISSCHER	293
1143549-000	ANIMAL LIBERATION FRONT	12813
1144152-000	SOCIETY FOR ANIMAL RIGHTS	55

Based on your correspondence, we have determined that the subjects of your requests are similar in nature (animal rights), therefore you will be charged aggregate fees. The authority to charge aggregate fees is located in Title 28 Code of Federal Regulations, Section 16.11, Subsection (h).

Pursuant to Title 28, Code of Federal Regulations, Sections 16.11 and 16.49, there is a fee of ten cents per page for duplication. No fees are assessed for the first 100 pages. You have already received 129 free pages (see attached enclosures). For further processing of the above requests, please indicate your willingness to pay aggregate fees.

Appeals should be directed in writing to the Director, Office of Information Policy, U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001. Your appeal must be received by OIP within thirty (30) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIA Request Numbers assigned to your requests so that they may be identified easily.

Sincerely yours,

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

Enclosures

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U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

May 24, 2011



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Subject: 

FOIPA No. 1181727- 000

Dear 

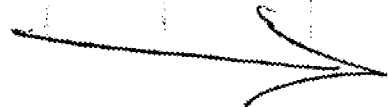
The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Deletions have been made to protect information which is exempt from disclosure, with the appropriate exemptions noted on the page next to the excision. In addition, a deleted page information sheet was inserted in the file to indicate where pages were withheld entirely. The exemptions used to withhold information are marked below and explained on the enclosed Form OPCA-16a:

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

411 page(s) were reviewed and 223 page(s) are being released.

- Documents were located which originated with, or contained information concerning other Government agencies [OGA]. This information has been:
 - referred to the OGA for review and direct response to you.
 - referred to the OGA for consultation. The FBI will correspond with you regarding this information when the consultation is finished.

You have the right to appeal any denials in this release. Appeals should be directed in writing to the Director, Office of Information Policy, U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Number assigned to your request so that it may be easily identified.





Privacy Act Statement. In accordance with 28 CFR Section 16.41(d) personal data sufficient to identify the individuals submitting requests by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required. The purpose of this solicitation is to ensure that the records of individuals who are the subject of U.S. Department of Justice systems of records are not wrongfully disclosed by the Department. Requests will not be processed if this information is not furnished. False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 552a(i)(3).

Public reporting burden for this collection of information is estimated to average 0.50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Suggestions for reducing this burden may be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, Public Use Reports Project (1103-0016), Washington, DC, 20303.

Full Name of Requester ¹

[Redacted]

Citizenship Status ²

US

Social Security Number ³

[Redacted]

Current Address

[Redacted]

Date of Birth

[Redacted]

Place of Birth

[Redacted]

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above, and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$5,000, or imprisonment for not more than 5 years, or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$5,000.

Signature ⁴

[Redacted]

Date

7.5.11

OPTIONAL: Authorization to Release Information to Another Person

This form is also to be completed by a requester who is authorizing information relating to himself or herself to be released to another person.

Further

[Redacted]

I authorize the U.S. Department of Justice to release any and all information relating to me to:

Print or Type Name

¹ Name of individual who is the subject of the record(s) sought.

² Individual submitting a request under the Privacy Act of 1974 must be either "a citizen of the United States or an alien lawfully admitted for permanent residence," pursuant to 5 U.S.C. Section 552a(a)(2). Requests will be processed as Freedom of Information Act requests pursuant to 5 U.S.C. Section 552, rather than Privacy Act requests, for individuals who are not United States citizens or aliens lawfully admitted for permanent residence.

Providing your social security number is voluntary. You are asked to provide your social security number only to facilitate the identification of records relating to you. Without your social security number, the Department may be unable to locate any or all records pertaining to you.

⁴ Signature of individual who is the subject of the record sought.

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Privacy Act Statement. In accordance with 28 CFR Section 16.41(d) personal data sufficient to identify the individuals submitting requests by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required. The purpose of this solicitation is to ensure that the records of individuals who are the subject of U.S. Department of Justice systems of records are not wrongfully disclosed by the Department. Failure to furnish this information will result in no action being taken on the request. False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 552a(i)(3).

Public reporting burden for this collection of information is estimated to average 0.50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Suggestions for reducing this burden may be submitted to Director, Facilities and Administrative Services Staff, Justice Management Division, U.S. Department of Justice, Washington, DC 20530 and the Office of Information and Regulatory Affairs, Office of Management and Budget, Public Use Reports Project (1103-0016), Washington, DC 20503.

Full Name of Requester [Redacted]

Citizenship Status ² U.S.A. Social Security Number ³ [Redacted]

Current Address [Redacted]

Date of Birth [Redacted] Place of Birth [Redacted]

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

Signature ⁴ [Redacted] Date 5-27-11

OPTIONAL: Authorization to Release Information to Another Person

This form is also to be completed by a requester who is authorizing information relating to himself or herself to be released to another person.

Further, pursuant to 5 U.S.C. Section 552a(b), I authorize the U.S. Department of Justice to release any and all information relating to me to: [Redacted] or Type Name

¹ Name of individual who is the subject of the record sought.
² Individual submitting a request under the Privacy Act of 1974 must be either "a citizen of the United States or an alien lawfully admitted for permanent residence," pursuant to 5 U.S.C. Section 552a(a)(2). Requests will be processed as Freedom of Information Act requests pursuant to 5 U.S.C. Section 552, rather than Privacy Act requests, for individuals who are not United States citizens or aliens lawfully admitted for permanent residence.
³ Providing your social security number is voluntary. You are asked to provide your social security number only to facilitate the identification of records relating to you. Without your social security number, the Department may be unable to locate any or all records pertaining to you.
⁴ Signature of individual who is the subject of the record sought.

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Certification of Identity



FORM APPROVED OMB NO. 1105-0016
EXPIRES 10/31/13

Privacy Act Statement. In accordance with 28 CFR Section 16.41(d) personal data sufficient to identify the individuals submitting requests by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required. The purpose of this solicitation is to ensure that the records of individuals who are the subject of U.S. Department of Justice systems of records are not wrongfully disclosed by the Department. Requests will not be processed if this information is not furnished. False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 552a(i)(3).

Public reporting burden for this collection of information is estimated to average 0.50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Suggestions for reducing this burden may be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, Public Use Reports Project (1103-0016), Washington, DC 20503.

Full Name of Requester ¹

Citizenship Status ² Citizen of the United States Social Security Number ³

Current Address

Date of Birth Place of Birth

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

Signature ⁴ Date 6-20-11

OPTIONAL: Authorization to Release Information to Another Person

This form is also to be completed by a requester who is authorizing information relating to himself or herself to be released to another person.

Further, pursuant to 5 U.S.C. Section 552a(b), I authorize the U.S. Department of Justice to release any and all information relating to me to:

Print or Type Name

¹ Name of individual who is the subject of the record(s) sought.

² Individual submitting a request under the Privacy Act of 1974 must be either "a citizen of the United States or an alien lawfully admitted for permanent residence," pursuant to 5 U.S.C. Section 552a(a)(2). Requests will be processed as Freedom of Information Act requests pursuant to 5 U.S.C. Section 552, rather than Privacy Act requests, for individuals who are not United States citizens or aliens lawfully admitted for permanent residence.

³ Providing your social security number is voluntary. You are asked to provide your social security number only to facilitate the identification of records relating to you. Without your social security number, the Department may be unable to locate any or all records pertaining to you.

⁴ Signature of individual who is the subject of the record sought.

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Certification of Identity



FORM APPROVED OMB NO. 1103-0016
EXPIRES 10/31/13

Privacy Act Statement. In accordance with 28 CFR Section 16.41(d) personal data sufficient to identify the individuals submitting requests by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required. The purpose of this solicitation is to ensure that the records of individuals who are the subject of U.S. Department of Justice systems of records are not wrongfully disclosed by the Department. Requests will not be processed if this information is not furnished. False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 552a(i)(3).

Public reporting burden for this collection of information is estimated to average 0.50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Suggestions for reducing this burden may be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, Public Use Reports Project (1103-0016), Washington, DC 20503.

Full Name of Requester ¹

Citizenship Status ² US citizen Social Security Number ³

Current Address

Date of Birth Place of Birth

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above, and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under 18 U.S.C. Section 1001 by a fine of not more than \$5,000.

Signature Date 6-23-11

OPTIONAL: Authorization to Release Information to Another Person

This form is also to be completed by a requester who is authorizing information relating to himself or herself to be released to another person.

Further, pursuant to 5 U.S.C. Section 552a(b), I authorize the U.S. Department of Justice to release any and all information relating to me to:

Print or Type Name

¹ Name of individual who is the subject of the record(s) sought.

² Individual submitting a request under the Privacy Act of 1974 must be either "a citizen of the United States or an alien lawfully admitted for permanent residence," pursuant to 5 U.S.C. Section 552a(a)(2). Requests will be processed as Freedom of Information Act requests pursuant to 5 U.S.C. Section 552, rather than Privacy Act requests, for individuals who are not United States citizens or aliens lawfully admitted for permanent residence.

³ Providing your social security number is voluntary. You are asked to provide your social security number only to facilitate the identification of records relating to you. Without your social security number, the Department may be unable to locate any or all records pertaining to you.

⁴ Signature of individual who is the subject of the record sought.

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Privacy Act Statement. In accordance with 28 CFR Section 16.41(d) personal data sufficient to identify the individuals submitting requests by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required. The purpose of this solicitation is to ensure that the records of individuals who are the subject of U.S. Department of Justice systems of records are not wrongfully disclosed by the Department. Failure to furnish this information will result in no action being taken on the request. False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 552a(i)(3).

Public reporting burden for this collection of information is estimated to average 0.50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Suggestions for reducing this burden may be submitted to Director, Facilities and Administrative Services Staff, Justice Management Division, U.S. Department of Justice, Washington, DC 20530 and the Office of Information and Regulatory Affairs, Office of Management and Budget, Public Use Reports Project (1103-0016), Washington, DC 20503.

Full Name of Requester ¹ [Redacted]

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Citizenship Status ² U.S. Social Security Number ³ [Redacted]

Current Address [Redacted]

Date of Birth [Redacted] Place of Birth [Redacted]

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

Signature ⁴ [Redacted] Date 5-27-11

OPTIONAL: Authorization to Release Information to Another Person

This form is also to be completed by a requester who is authorizing information relating to himself or herself to be released to another person.

Further, pursuant to 5 U.S.C. Section 552a(b), I authorize the U.S. Department of Justice to release any and all information relating to me to:

[Redacted] **Print or Type Name**

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¹ Name of individual who is the subject of the record sought.

² Individual submitting a request under the Privacy Act of 1974 must be either "a citizen of the United States or an alien lawfully admitted for permanent residence," pursuant to 5 U.S.C. Section 552a(a)(2). Requests will be processed as Freedom of Information Act requests pursuant to 5 U.S.C. Section 552, rather than Privacy Act requests, for individuals who are not United States citizens or aliens lawfully admitted for permanent residence.

³ Providing your social security number is voluntary. You are asked to provide your social security number only to facilitate the identification of records relating to you. Without your social security number, the Department may be unable to locate any or all records pertaining to you.

⁴ Signature of individual who is the subject of the record sought.



Privacy Act Statement. In accordance with 28 CFR Section 16.41(d) personal data sufficient to identify the individuals submitting requests by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required. The purpose of this solicitation is to ensure that the records of individuals who are the subject of U.S. Department of Justice systems of records are not wrongfully disclosed by the Department. Requests will not be processed if this information is not furnished. False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 552a(i)(3).

Public reporting burden for this collection of information is estimated to average 0.50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Suggestions for reducing this burden may be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, Public Use Reports Project (105-0016), Washington, DC 20503.

Full Name of Requester ¹

Citizenship Status ² U.S. Citizen Social Security Number ³

Current Address

Date of Birth Place of Birth

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

Signature ⁴ Date June 21 2011

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OPTIONAL: Authorization to Release Information to Another Person

This form is also to be completed by a requester who is authorizing information relating to himself or herself to be released to another person.

Further, pursuant to U.S. Department of Justice to release any and all information relating to me to:

Print or Type Name

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¹ Name of individual who is the subject of the record(s) sought.

² Individual submitting a request under the Privacy Act of 1974 must be either "a citizen of the United States or an alien lawfully admitted for permanent residence," pursuant to 5 U.S.C. Section 552a(a)(2). Requests will be processed as Freedom of Information Act requests pursuant to 5 U.S.C. Section 552, rather than Privacy Act requests, for individuals who are not United States citizens or aliens lawfully admitted for permanent residence.

³ Providing your social security number is voluntary. You are asked to provide your social security number only to facilitate the identification of records relating to you. Without your social security number, the Department may be unable to locate any or all records pertaining to you.

⁴ Signature of individual who is the subject of the record sought.

Certification of Identity



FORM APPROVED OMB NO. 1103-0016
EXPIRES 10/31/13

Privacy Act Statement. In accordance with 28 CFR Section 16.41(d) personal data sufficient to identify the individuals submitting requests by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required. The purpose of this solicitation is to ensure that the records of individuals who are the subject of U.S. Department of Justice systems of records are not wrongfully disclosed by the Department. Requests will not be processed if this information is not furnished. False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 552a(i)(3).

Public reporting burden for this collection of information is estimated to average 0.50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Suggestions for reducing this burden may be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, Public Use Reports Project (1103-0016), Washington, DC 20503.

Full Name of Requester ¹ [Redacted]

Citizenship Status ² *Citizen of the U.S.A.* Social Security Number ³ [Redacted]

Current Address [Redacted]

Date of Birth [Redacted] Place of Birth [Redacted]

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

Signature ⁴ [Redacted] Date *6/20/11*

OPTIONAL: Authorization to Release Information to Another Person

This form is also to be completed by a requester who is authorizing information relating to himself or herself to be released to another person.

Further, pursuant to 5 U.S.C. Section 552a(a), I authorize the U.S. Department of Justice to release any and all information relating to me to:

[Redacted]

Print or Type Name

¹ Name of individual who is the subject of the record(s) sought.

² Individual submitting a request under the Privacy Act of 1974 must be either "a citizen of the United States or an alien lawfully admitted for permanent residence," pursuant to 5 U.S.C. Section 552a(a)(2). Requests will be processed as Freedom of Information Act requests pursuant to 5 U.S.C. Section 552, rather than Privacy Act requests, for individuals who are not United States citizens or aliens lawfully admitted for permanent residence.

³ Providing your social security number is voluntary. You are asked to provide your social security number only to facilitate the identification of records relating to you. Without your social security number, the Department may be unable to locate any or all records pertaining to you.

⁴ Signature of individual who is the subject of the record sought.

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FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1363980-0

Total Deleted Page(s) = 4

Page 1 ~ Duplicate;

Page 2 ~ Duplicate;

Page 3 ~ Duplicate;

Page 4 ~ Duplicate;

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X Deleted Page(s) X
X No Duplication Fee X
X For this Page X
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08/05/11

Freedom of Information and Privacy Acts request for information on a living person: [redacted]

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To: Federal Bureau of Investigation
Record/Information Dissemination Section

This letter constitutes a formal request under the U.S. Freedom of Information and Privacy Acts (5 U.S.C. §552/552a) and the regulations promulgated thereunder. Please analyze the requested material under both 5 U.S.C. §552 and 5 U.S.C. §552a in order to produce the maximum number of results.

REQUESTER INFORMATION:

[redacted]

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Information Sought:

I request disclosure of any and all records that were prepared, received, transmitted, collected and/or maintained by the FBI, the National Joint Terrorism Task Force, or any Joint Terrorism Task Force relating or referring to the living person [redacted]

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Date of Birth: [redacted]
Place of Birth: [redacted]
Current address: [redacted]
Social Security #: [redacted]

I have previously submitted a **Privacy Waiver/Certification of Identity** for [redacted] Please refer any questions on this point to FBI FOIPA Public Liaison Officer, Dennis J. Argall.

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Additional Background Information:

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Additional Request Components:

For extensive additional important information pertaining to this request, including 1) My request for FBI Headquarters, field office, and task force searches, 2) My request for main file and cross-reference searches, 3) My request for ELSUR, MISUR, and FISUR searches, 4) My request for electronic and paper searches, 5) My request for additional filing systems, indices, and locations searches, 6) My request for "tickler" searches, 7) My request for unredacted additional included references, 8) My request for the FOIA search slip generated as a result of this request, 9) My requests and instructions regarding exemptions, 10) My request for release of the requested materials on digital media, 11) My additional requests regarding processing of this request, 12) And my request for a full waiver of search and duplication fees, please see the *cover letter* attached to and associated with this present request.

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

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08/05/11

Freedom of Information and Privacy Acts requests

To: Federal Bureau of Investigation
Record/Information Dissemination Section

This letter is a cover letter for the 15 here enclosed formal requests under the U.S. Freedom of Information and Privacy Acts (5 U.S.C. §552/552a) and the regulations promulgated thereunder. 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 15 requests.

REQUESTER INFORMATION:

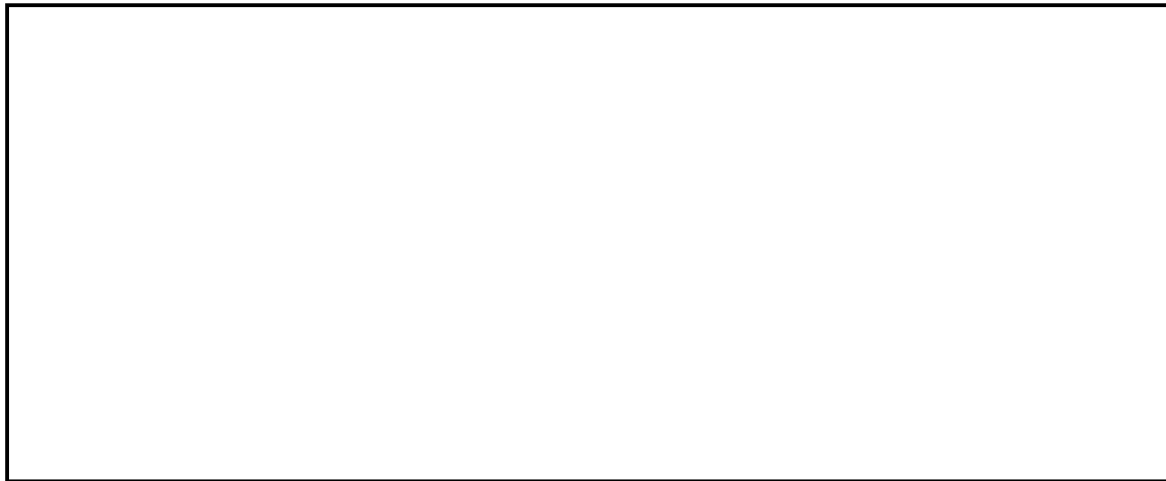
b6

Information Sought:

The 15 here enclosed FOIPA requests are for any and all information relating or referring to:

- American Medical Association (AMA)**
- Animal Protection and Rescue League (APRL)**

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These 13 individuals (two of the 15 here-enclosed requests are for organizations, not individuals) have all provided me with signed **privacy waivers** pursuant of this end.

Additional Information Regarding the Processing of These Requests:

The following information pertains to all 15 here enclosed requests:

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

I request that a complete and thorough search for any and all materials relating or referring to the subjects of my requests be conducted in any and all indices, filing systems, and locations pertaining to any and all records and materials prepared, received, transmitted, collected and/or 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.

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

I request that a search of all main file ***and cross-reference*** indices, filing systems, and locations be conducted for any and all records relating or referring to the subjects of my requests.

In conducting cross-reference searches, and as per my 6 July 2011 conversation with FBI FOIPA Public Liaison Officer Dennis J. Argall, please limit cross-reference searches to information pertaining *in any way to animal protection/rights* and

environmental protection/rights issues/organizations/individuals/events/investigations/etc. Please interpret animal protection/rights and environmental protection/rights broadly, but please do limit cross-reference searches within these parameters. Please contact me for any clarification on this point.

Further, for both main file and cross-reference searches, my request includes, but is not limited to, documents, reports, memoranda, letters, electronic files, "See Also" files, "Do Not File" files, "Official & Confidential" files, numbered and lettered subfiles, 1A envelopes, 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; and any index citations relating to the subjects of my requests or referencing the subjects of my requests ("see also") in other files.

3) Request for ELSUR, MISUR, and FISUR Searches:

For both main file and cross-reference searches, I request that a search of all electronic, microphone, and physical surveillance indices, filing systems, and locations for any and all records relating or referring to the subjects of my requests be conducted.

4) Request for Electronic and Paper/Manual Searches:

For both main file and cross-reference searches, I request that a search of all electronic and paper/manual indices, filing systems, and locations for any and all records relating or referring to the subjects of my requests be conducted.

5) Request for Additional Filing Systems, Indices, and Locations Searches

For both main file and cross-reference searches, please do not limit searches to the UNI (Universal Index), but please also search the ICM (Investigative Case Management) and ECF (Electronic Case File) indices, filing systems, and locations.

Indeed, for both main file and cross-reference searches, please search *all* of your indices, filing systems, and locations, including those I have not specified by name and those of which I may not be aware. Please interpret the scope of this request broadly.

6) Request for Ticklers:

For both main file and cross-reference searches, I request that a search for any and all "ticklers" relating or referring to the subjects of my requests be conducted.¹

7) Request for Additional Included References:

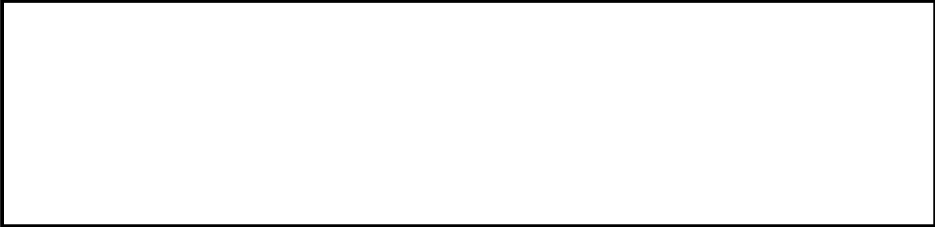
As part of the here enclosed requests, I request that any references to the below living and deceased individuals contained in the here requested releases be provided to me unredacted. These below individuals have all provided me with signed privacy waivers pursuant of this end, or I have obtained obituaries for them. With the exceptions of

for whom I am here enclosing privacy waivers, I have already submitted copies of all of these privacy waivers and obituaries. **Please alert FBI FOIPA Public Liaison Officer, Dennis J. Argall, as to these three new privacy waivers.**

-Amory, Cleveland (1917-1981)

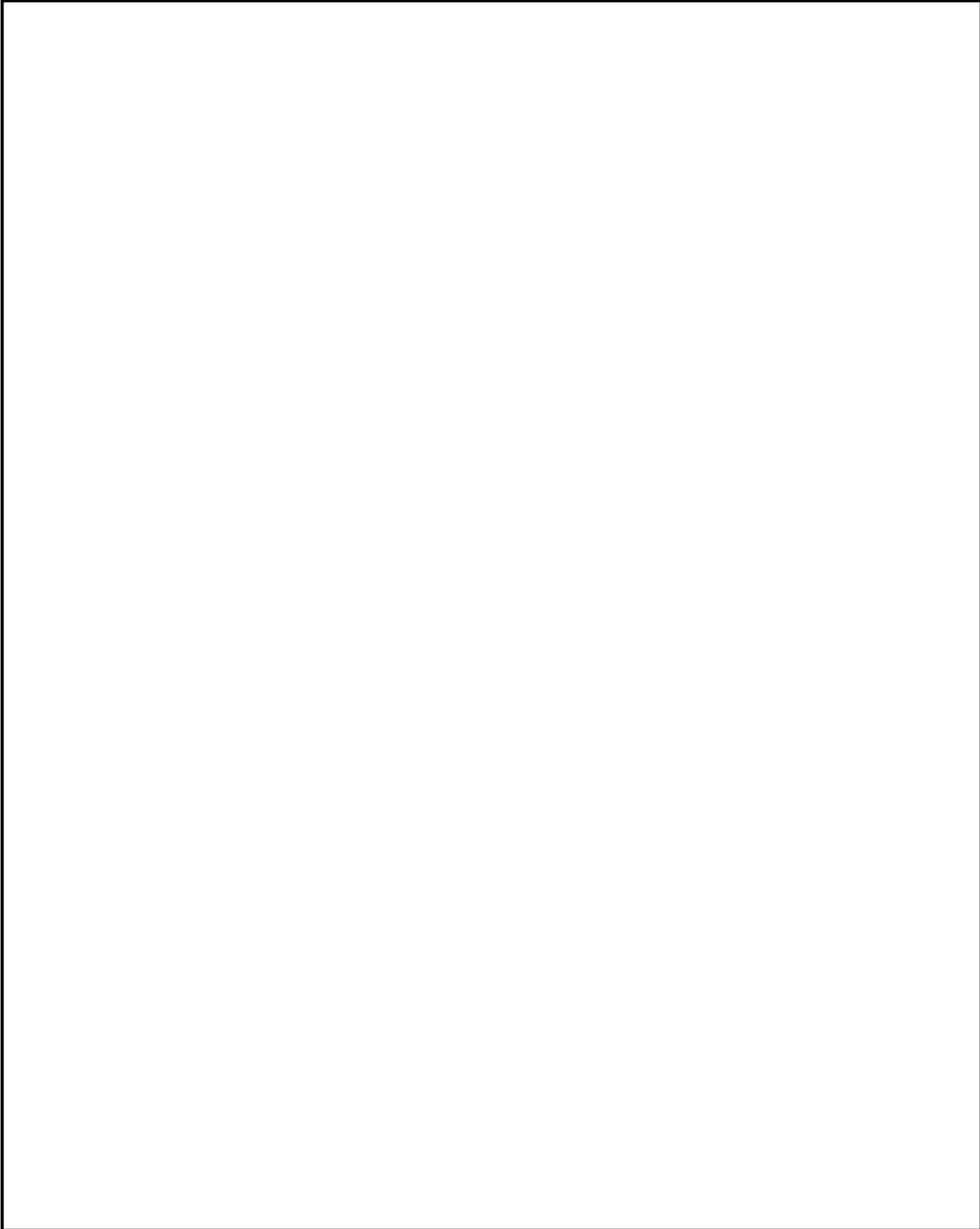


¹ As articulated in *Campbell v. United States DOJ*, 164 F.3d 20, 27 n.1 (1998), "A 'tickler' is a duplicate [FBI] file containing copies of documents, usually kept by a supervisor. Such files can be of interest to a FOIA requester because they could contain documents that failed to survive in other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



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-Cate, Dexter L. (1943-1990)



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[Redacted]

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-Herrington, Alice (ca. 1919-1994)

[Redacted]

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-Hutto, Henry (1953-2003)

[Redacted]

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-Jones, Helen (?-1998)

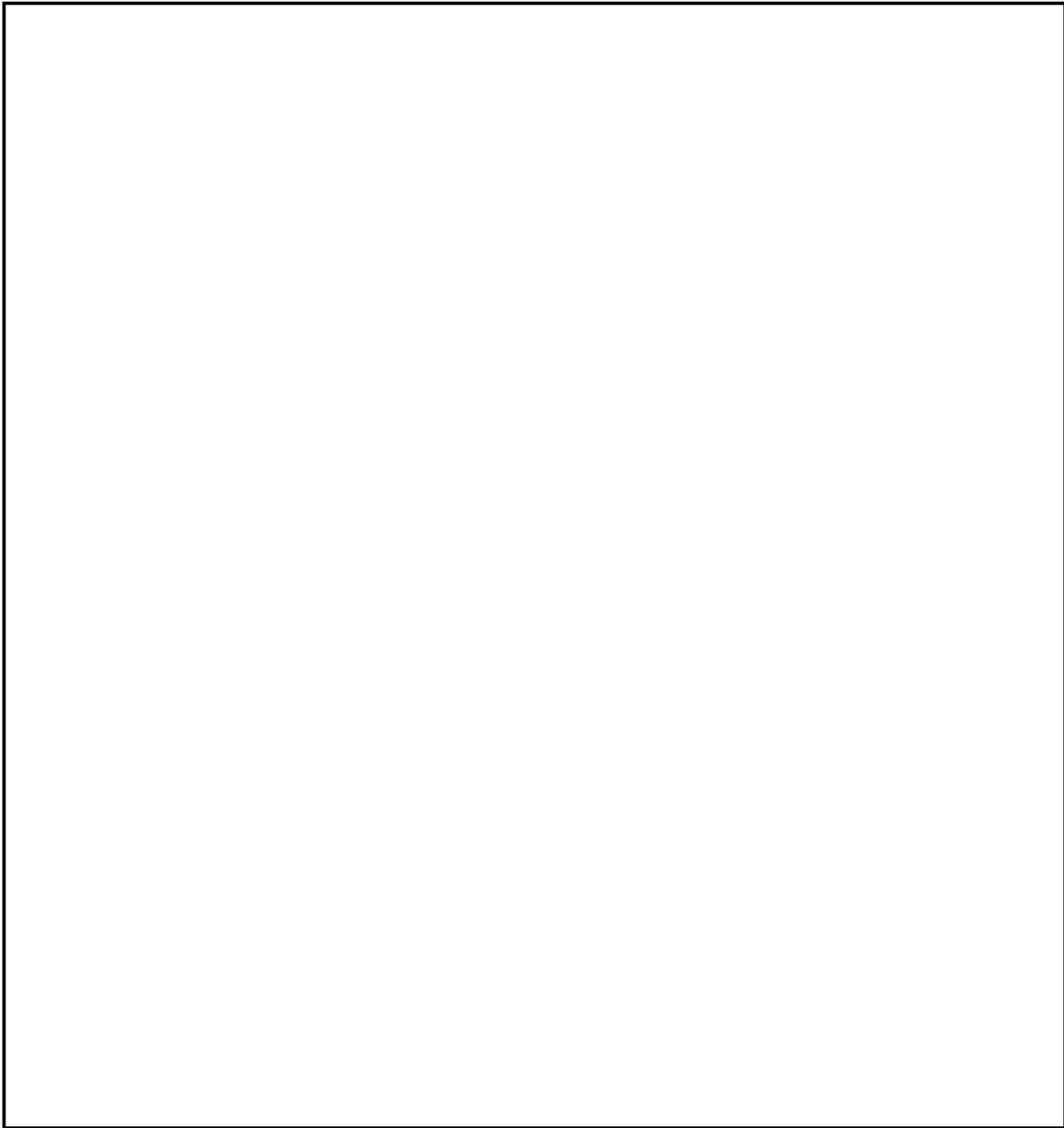
[Redacted]

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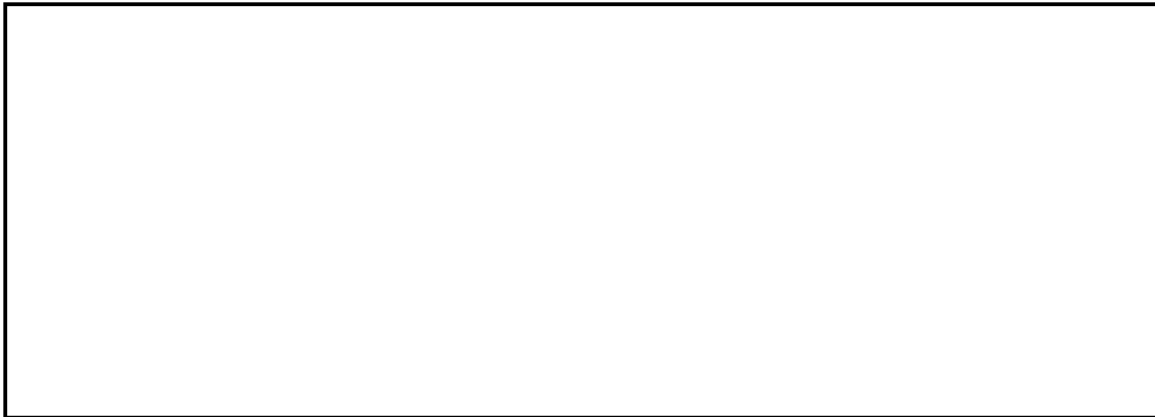
-Myers, Fred (1904-1963)

[Redacted]

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-Seiling, Eleanor (ca. 1907-1985)

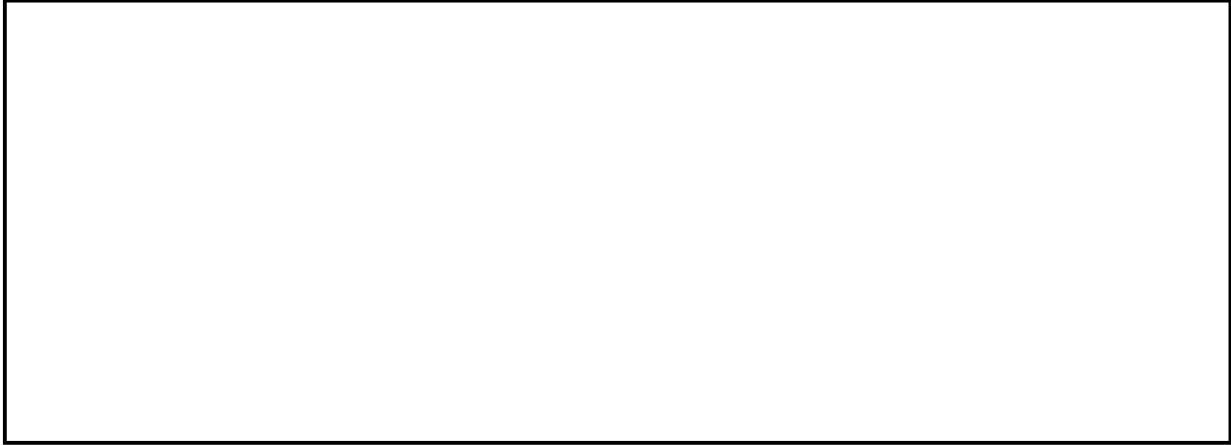


-Spira, Henry (1927-1998)



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-Stewart, Leslie (1936-2009)



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-Troen, Roger (1931-2008)



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8) Request for FOIA Search Slip:

I request that copies of the **FOIA Search Slips** generated as a result of the here enclosed requests be provided to me.

9) Exemptions:

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.²

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

Nevertheless, 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.

In excising material, please "black out" the material rather than "white out" or "cut out." I expect, as provided by FOIA, that the remaining non-exempt portions of 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.

² 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/>

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.

10) Format:

I request that any releases stemming from the here enclosed requests be provided to me in digital format on a compact disk or other like media.

11) Additionally:

Please produce all records with administrative markings and pagination included.

Please place any "missing" files pertaining to this request on "special locate" and advise me that you have done this.

Please send a memo (copy to me) to the appropriate units in your office to assure that no records related to this request are destroyed. Please advise of any destruction of records and include the date of and authority for such destruction.

12) Payment:

I am willing to pay any reasonable expenses associated with the here enclosed requests, however, as the purpose of the requested disclosures 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.'").

Important note regarding fees:

The here enclosed requests, along with all of my so-designated FOIPA requests, pertain to my research on the relationships between the FBI and the animal rights movement. As articulated below, all of my so-designated FOIPA requests pertain to this one project. The FBI has determined that this project qualifies for a waiver of

fees. (See my FOIPA request # 1143549-000-Animal Liberation Front, as well as my FOIPA request # 1157020-Justice Department).

The FBI openly acknowledges the unity for processing/duplication fee purposes of my "animal rights" FOIPA requests. In its 3 May 2010 letter to me³, the FBI asserts that, "Based on your correspondence, we have determined that the subjects of your requests are similar in nature (animal rights), therefore you will be charged aggregate fees." And again, the FBI reiterates this point in its 24 May 2011 letter⁴ to me referencing my FOIPA request # 1161727-000 [REDACTED]. Writes the FBI, "Because your FOIA requests are similar in scope and content, they constitute a series of related requests, and you are being charged aggregate duplication fees for all of your requests." As made clear within the FOIA statute itself, this aggregation by the FBI is a declaration by the FBI that the Bureau considers all of my "animal rights" related FOIPA requests to "actually constitute a single request." 5 U.S.C. §552 (a)(6)(B)(iv).

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As the FBI granted me a waiver of fees for my FOIPA request # 1143549-000-Animal Liberation Front, and as the FBI aggregated this FOIPA request with all of my other "animal rights" related FOIPA requests, the FBI must grant me a waiver of fees for all of my "animal rights" related FOIPA requests, including the here enclosed requests.

It should be noted that this is the position of FBI FOIPA Public Liaison Officer, Dennis J. Argall, with whom I discussed this matter in detail on 29 June 2011. Please refer any questions on this point to Mr. Argall.

As detailed below, 1) The subject of the requested records concerns the operations of government. 2) The disclosure of the requested information is likely to significantly contribute to greater understanding of government operations. 3) The disclosure of the requested information will significantly contribute to greater public understanding of government operations. 4) I have the ability and intention to disseminate said information to the public. 5) My dissemination of the requested information will contribute significantly to expanded public understanding of government operations.

i) Disclosure of Documents Will Significantly Contribute to Public Understanding of Government operations:

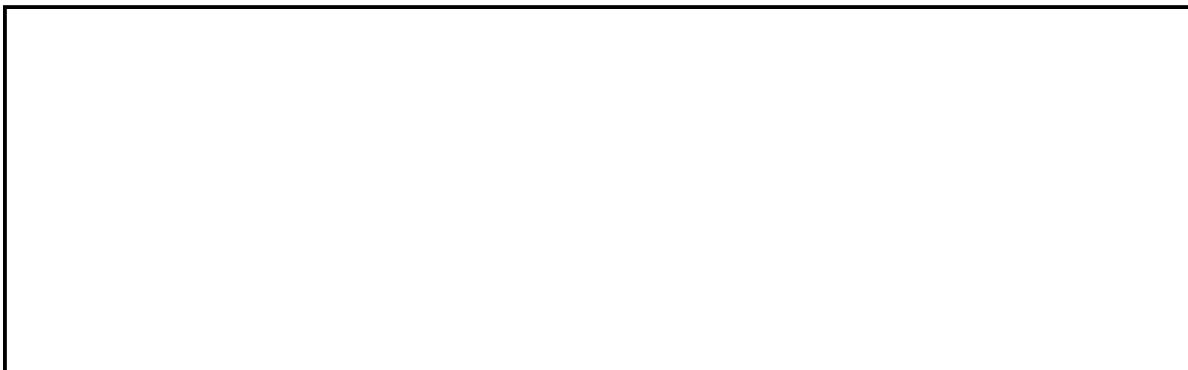
The disclosure of the documents I here request is in the public interest because the information is likely to contribute significantly to public understanding of the operations or activities of government and is not primarily in my commercial interest. 28 C.F.R. § 16.11(k)(2). As stated in the legislative history, "A requester is

³ For the letter, please see my 7 July 2011 FOIPA request for records pertaining to [REDACTED]

⁴ For the letter again please see my 7 July 2011 FOIPA request for records pertaining to [REDACTED]

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likely to contribute significantly to public understanding if the information disclosed is new; supports public oversight of agency operations; or otherwise confirms or clarifies data on past or present operations of the government." 132 Cong. Rec. H9464 (Reps. English and Kindness). This request amply satisfies these requirements.



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The animal rights movement is a major American social and political movement that is daily engaged in heated controversies with government agencies. It is one of the most controversial and quickly growing social movements in the United States, and volumes upon volumes of new scholarly and popular literature on the animal rights movement are produced each year. Even the most cursory investigation demonstrates the tremendous general public interest, as well as scholarly interest, in the animal rights movement. A quick search for "animal rights" on Google.com yields "about 3,950,000" results. An Amazon.com "book search" for "animal rights" yields 1,512 results. And a search for "animal rights" on the scholarly article search engine JSTOR yields 4,104 results. Even the FBI's own website yields dozens upon dozens of search results for "animal rights."⁵

The FBI is the leading law enforcement and domestic counter-terrorism governmental agency in the United States. As with the animal rights movement, even the most cursory of investigations demonstrates the tremendous general public interest, as well as scholarly interest, in the operations of the FBI. A quick search for "Federal Bureau of Investigation" on Google.com yields "about 2,600,000" results. An Amazon.com "book search" for "Federal Bureau of Investigation" yields 1,480 results. And a search for "Federal Bureau of Investigation" on the scholarly article search engine JSTOR yields 4,611 results.⁶ In particular, the FBI's investigations of, and at times campaigns against, American social justice and advocacy organizations remain among the most controversial of FBI and domestic U.S. governmental operations.⁷

⁵ Searches conducted on 29 May 2010.

⁶ Searches conducted on 9 March 2011.

⁷ This point is explored further below. However, for further evidence of the consistently controversial nature of FBI operations concerning American social justice and advocacy organizations, one need look no further than popular and scholarly attention to COINTELPRO (Counter Intelligence Program), the FBI's infamous 1950s-1970s assaults on the civil liberties of American advocacy organizations. A quick search for "COINTELPRO" on Google.com yields "about 362,000" results. An Amazon.com "book

As my research demonstrates, the FBI has played a profound, shifting, and deeply controversial role in the evolution of the animal rights movement and its efforts to protect animals. Relatedly, and as discussed in part below, the animal rights movement has played a profound, shifting, and deeply controversial role in the evolution of the FBI's understanding of its own mission. Further, the often hidden intersections of the animal rights movement and FBI operations have played profound, shifting, and again deeply controversial roles in defining the meanings and limits of "terrorism," "national security," and "free speech" in the United States.

To date, almost no scholarly information, and little other information, is available to scholars or the broader public on these vital issues. Further, the little information on these matters that is currently available to scholars and the broader public is almost entirely based upon press articles, interviews with activists, and to a lesser extent, court records. Virtually none of this already minimal information builds upon the internal records of the FBI. FBI records pertaining to the Bureau's understanding and handling of the animal rights movement contain vital information on these matters that is not available through any other sources.⁸ As such, these highly controversial

search" for "COINTELPRO" yields 111 results. And a search for "COINTELPRO" on the scholarly article search engine JSTOR yields 272 results. (Searches conducted on 9 March 2011). Further, the FBI's understanding and handling of the animal rights movement is increasingly compared to COINTELPRO. (For example, see GreenIsTheNewRed.com). My research directly examines these connections. Already, and as discussed below, FBI documents obtained by me through FOIA requests, and my analysis of these documents, have been used by an award-winning journalist to highlight the similarities between the FBI's COINTELPRO program and its current handling of the animal rights and environmental movements. See <http://www.greenisthenewred.com/blog/fbi-file-reveals-discussion-of-discrediting-animal-rights-activists-by-planting-rumors/3282/>

⁸ Scholarly analysis of FOIA-obtained FBI records is a well-accepted research methodology. 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). And, while I am the first scholar to systematically request and analyze FBI documents pertaining to the Bureau's understanding and handling of the animal rights movement, for an example of scholarly analysis of Canadian Access to Information Act-obtained intelligence agency records pertaining to Canadian governmental suppression of animal rights activists, see

topics concerning government operations, national security, and free speech are not only grossly under-examined, but the few examinations that even begin to touch upon them neglect to examine the key sources that would by far shed the most light upon the nature and evolution of the FBI's deeply consequential and controversial understanding and handling of the animal rights movement. Pursuant of correcting these vast gaps in public understanding of government operations, I have requested through the Freedom of Information Act, and will continue to request, information held by the FBI pertaining to key individuals, organizations, and events related to the FBI's role in animal use and protection conflicts from the pre-World War II period to the present. The disclosure of information held by the FBI pertaining to its understanding and handling of the subjects of the here enclosed requests, all leading animal rights activists, a leading animal rights organization, and a leading opponent organization of the animal rights movement, will significantly contribute to my research into the intersections of the animal rights movement and FBI operations, and as such will significantly contribute to expanded public understanding of government operations, as well as support the public oversight of government agencies.

For extensive additional fee waiver information pertaining to the myriad public interests served by my research into the intersections of the FBI and the animal rights movement, please see my 7 July 2011 FOIPA request for records pertaining to

Please refer any questions on this point to FBI FOIPA Public Liaison Officer, Dennis J. Argall.

b6

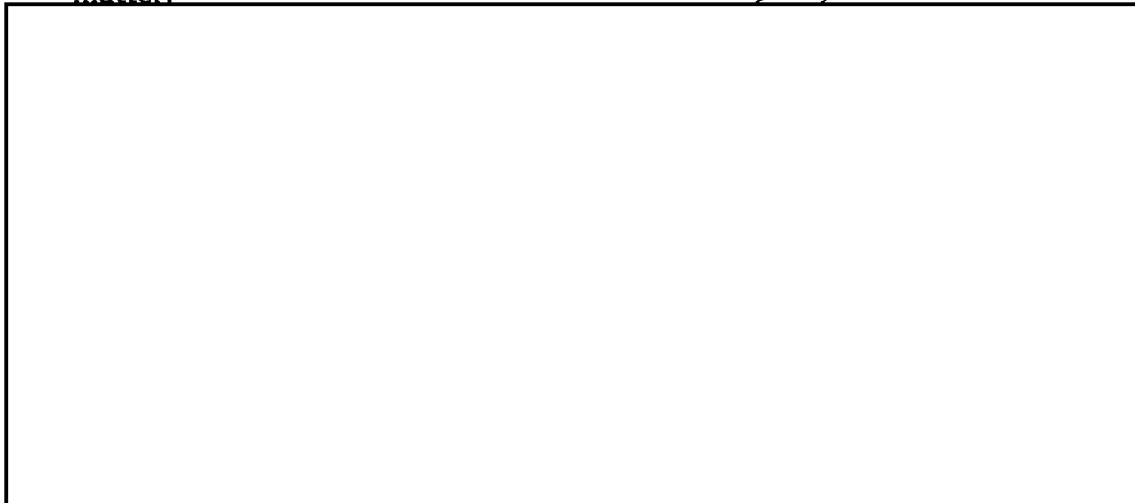
ii) Additional Information Pertaining to my Request for a Waiver of Fees:

For extensive additional fee waiver information pertaining to a) my intent and ability to disseminate analysis of the requested information, b) the non-commercial nature of my request, c) additional information on scholarly historical research and the public interest, d) additional information on journalistic research and the public interest, e) and letters of support for my research from leading historical scholars, a leading journalist, and a leading civil liberties attorney, please see my 7 July 2011 FOIPA request for records pertaining to Please refer any questions on this point to FBI FOIPA Public Liaison Officer, Dennis J. Argall.

Kevin Walby and Jeffrey Monaghan's "Private Eyes and Public Order: Policing and Surveillance in the Suppression of Animal Rights Activists in Canada," *Social Movement Studies* (Vol. 10, No. 1, 21-37. January 2011).

In summation, the disclosure of the requested information will significantly contribute to expanded public understanding of government operations and activities. I have the firm intention and ability to disseminate this significant expansion of public understanding of government operations and activities. The public interest in this significant expansion of public understanding of government operations and activities far outweighs any commercial interest of my own. Accordingly, my request for a full waiver of fees amply satisfies the rules of 28 C.F.R. § 16.11(k)(2). Legislative history and judicial authority emphatically support this determination. For these reasons, and based upon their extensive elaboration above, I request that a full waiver of search and duplication fees for my here enclosed FOIPA requests be granted. I will appeal any denial of this request for a waiver of fees to the Department of Justice's Office of Information Policy, and to the courts if necessary.

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





Federal Bureau of Investigation
Washington, D.C. 20535

August 4, 2016



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Shapiro v. DOJ 12-cv-313 (DDC)
FOIPA Request Nos./ Subjects: TIER 4 (paper)

Dear [redacted]

b6


This is in response to your Freedom of Information Act (FOIA) requests [redacted] (1156661-1);
HENRY HUTTO (1168089-0); [redacted] 1168139-0; [redacted] (1169540-0); [redacted]
[redacted] (1169594-0); [redacted] (1169688-0); [redacted] (1169943-0); [redacted]
(1170104-0); [redacted] (1170437-0); [redacted] (1170784-0); [redacted] 1170870-0); [redacted]
[redacted] (1171456-0); [redacted] 1173506-0).

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

- | Section 552 | | Section 552a |
|--|---|---------------------------------|
| <input checked="" type="checkbox"/> (b)(1) | <input checked="" type="checkbox"/> (b)(7)(A) | <input type="checkbox"/> (d)(5) |
| <input type="checkbox"/> (b)(2) | <input type="checkbox"/> (b)(7)(B) | <input type="checkbox"/> (j)(2) |
| <input checked="" type="checkbox"/> (b)(3) | <input checked="" type="checkbox"/> (b)(7)(C) | <input type="checkbox"/> (k)(1) |
| Federal Rules of Criminal Procedure, Rule 6(e) | <input checked="" type="checkbox"/> (b)(7)(D) | <input type="checkbox"/> (k)(2) |
| Title 49 U.S.C. §114r; | <input checked="" type="checkbox"/> (b)(7)(E) | <input type="checkbox"/> (k)(3) |
| 50 U.S.C. 3024(l)(1) | <input checked="" type="checkbox"/> (b)(7)(F) | <input type="checkbox"/> (k)(4) |
| U.S.C. §5311 | | |
| 18 U.S.C. §3123 | | |
| <input checked="" type="checkbox"/> (b)(4) | <input type="checkbox"/> (b)(8) | <input type="checkbox"/> (k)(5) |
| <input checked="" type="checkbox"/> (b)(5) | <input type="checkbox"/> (b)(9) | <input type="checkbox"/> (k)(6) |
| <input checked="" type="checkbox"/> (b)(6) | | <input type="checkbox"/> (k)(7) |

A total of **12,862** pages were reviewed and **5,391** pages are being released in whole or in part via 7CDs. This release is being provided at no charge.


- Document(s) were located which originated with, or contained information concerning, other Government Agency (ies) [OGA].
- This information has been referred to the OGA(s) for review and direct response to you.
- We consulted with OGA(s) and their response is enclosed.

 In accordance with standard FBI practice and pursuant to FOIA exemption (b)(7)(E) and Privacy Act exemption (j)(2) [5 U.S.C. § 552/552a (b)(7)(E)/(j)(2)], this response neither confirms nor denies the existence of your subject's name on any watch lists.

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

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

You may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within sixty (60) days from the date of this letter in order to be considered timely. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so that it may be easily identified.

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



 See additional information which follows.

Sincerely,



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

Enclosures

cc:  (w/o encl.)
 (w/o encl.)

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In response to your FOIA requests noted above, enclosed is a processed copy of the paper documents responsive for Tier 4. Media associated with Tier 4 will be released at a later date.

A search of the indices to our Central Records System (CRS) reflected there were additional records potentially responsive to your FOIA requests pertaining to Tier 4. We attempted to obtain this material so it could be reviewed to determine whether it was responsive to your requests; however, we were advised that the potentially responsive records were not in their expected location and could not be located after a reasonable search. Following a reasonable waiting period, another attempt was made to obtain this material. This search for the missing records also met with unsuccessful results.

Records that may be responsive to your FOIA requests pertaining to Tier 4 were destroyed prior to receipt of your FOIA requests. Since this material could not be reviewed, it is not known if it was responsive to your requests. Record retention and disposal is carried out under the supervision of the National Archives and Records Administration (NARA), Title 44, United States Code, Section 3301 and Title 36, Code of Federal Regulations, Chapter 12, Sub-chapter B, Part 1228. The FBI Records Retention Plan and Disposition Schedules have been approved by the United States District Court for the District of Columbia and are monitored by NARA.

For your additional information, a record that may be responsive to your FOIA requests pertaining to Tier 4 has been transferred to the National Archives and Records Administration (NARA). You may desire to direct a request to NARA, 8601 Adelphi Road, College Park, MD 20740-6001. Please reference the file number 100A-LV-1696.

After careful review, the FBI concluded that an estimated 4,694 pages of records responsive to your request are determined to be exempt from disclosure in their entireties pursuant to FOIA Exemption 7(A), 5 U.S.C. § 552(b)(7)(A), which protects records or information compiled for law enforcement purposes when release could reasonably be expected to interfere with enforcement proceedings.

Please note that certain responsive documents pertaining to Tier 4 have already been processed and released to you in response to your FOIA Requests on the Animal Liberation Front (1143549-1, 1148916-1, 1153250-1), (1169999-0), Compassion Over Killing (1143759-1), (1156549), (1169365-0), Animal Defense League (1157033-0), (1168903-0), (1177804-0), (1179601-0), (1197326-0), (1179204-0), No Compromise (1156759-0), (1167949-0), Friends of Animals (1143926-1), Roger Troen (1162667-0), (1167894-0), (1167308-1), (1171892-0), (1167816-0) and Last chance for Animals (1156519-1). See Tier One, Two and Three releases. This material was considered duplicative and was not processed and released to you again as part of Tier 4.

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For internal tracking purposes and due to the volume of material associated with select subject matters associated with Tier 4, we have assigned multiple internal FOIA numbers. Please cite the FOIPA Request Numbers noted above in all correspondence with us, so that the proper requests may be easily identified.

You may file an appeal to exemptions applied by the Department of Veterans Affairs by writing to General Counsel Department of Veterans Affairs, 810 Vermont Avenue, N.W., Washington, D.C. 20420. The appeal must be in writing and filed within 60 dates from the date of this letter. Please include a copy of this letter with your appeal and clearly state why you disagree with this determination. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

You may file an appeal to exemptions applied by the Transportation Security Administration by writing to Kimberly Walton, Assistant Administrator for Civil Rights & Liberties, Ombudsman and Traveler Engagement, Transportation Security Administration, 601 South 12th Street, East Building, E7-121S, Arlington, VA 20598-6033. Your appeal must be submitted within 60 days from the date of this determination. It should contain your FOIA request number and state, to the extent possible, the reasons why you believe the initial determination should be reversed. In addition, the envelope in which the appeal is mailed in should be prominently marked "FOIA Appeal." Please note the Assistant Administrator's decision on your FOIA appeal will be administratively final.

You may file an appeal to exemptions applied by United States Secret Service by writing to Information Appeal, Deputy Director, United States Secret Service, Communications Center, 245 Murray Lane, S.W., Building T-5, Washington, D.C. 20223. The appeal should be made in writing and received within sixty (60) days of the date of the requester's letter from this office.

You may file an appeal to exemptions applied by United States Customs and Border Protection by writing to FOIA Appeals, Policy and Litigation Branch, U.S. Customs and Border Protection, 90 K Street, NE, 10th Floor, Washington, D.C. 20229-1178, following the procedures outlined in the DHS regulations at Title 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

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

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

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

08/05/11

Freedom of Information and Privacy Acts request for information on a living person: [redacted]

b6

To: Federal Bureau of Investigation
Record/Information Dissemination Section

This letter constitutes a formal request under the U.S. Freedom of Information and Privacy Acts (5 U.S.C. §552/552a) and the regulations promulgated thereunder. Please analyze the requested material under both 5 U.S.C. §552 and 5 U.S.C. §552a in order to produce the maximum number of results.

REQUESTER INFORMATION:

[redacted]

b6

Information Sought:

I request disclosure of any and all records that were prepared, received, transmitted, collected and/or maintained by the FBI, the National Joint Terrorism Task Force, or any Joint Terrorism Task Force relating or referring to the living person [redacted]

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Date of Birth: [redacted]

Place of Birth: [redacted]

Current address: [redacted]

Social Security #: [redacted]

Attached please find a **Privacy Waiver/Certification of Identity** for [redacted]

b6

Certification of Identity



FORM APPROVED OMB NO. 1103-0016 EXPIRES 10/31/13

Privacy Act Statement. In accordance with 28 CFR Section 16.41(d) personal data sufficient to identify the individuals submitting requests by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required. The purpose of this solicitation is to ensure that the records of individuals who are the subject of U.S. Department of Justice systems of records are not wrongfully disclosed by the Department. Requests will not be processed if this information is not furnished. False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 552a(i)(3).

Public reporting burden for this collection of information is estimated to average 0.50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Suggestions for reducing this burden may be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, Public Use Reports Project (1103-0016), Washington, DC 20503.

Full Name of Requester ¹

[Redacted]

Citizenship Status ²

USA

Social Security Number ³

[Redacted]

Current Address

[Redacted]

Date of Birth

[Redacted]

Place of Birth

[Redacted]

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above, and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under 18 U.S.C. Section 1001 by a fine of not more than \$5,000.

Signature ⁴

[Redacted]

Date

7-27-11

OPTIONAL: Authorization to Release Information to Another Person

This form is also to be completed by a requester who is authorizing information relating to himself or herself to be released to another person.

[Redacted]

Department of Justice to release any and all information relating to me to:

Print or Type Name

¹ Name of individual who is the subject of the record(s) sought.

² Individual submitting a request under the Privacy Act of 1974 must be either "a citizen of the United States or an alien lawfully admitted for permanent residence," pursuant to 5 U.S.C. Section 552a(a)(2). Requests will be processed as Freedom of Information Act requests pursuant to 5 U.S.C. Section 552, rather than Privacy Act requests, for individuals who are not United States citizens or aliens lawfully admitted for permanent residence.

³ Providing your social security number is voluntary. You are asked to provide your social security number only to facilitate the identification of records relating to you. Without your social security number, the Department may be unable to locate any or all records pertaining to you.

⁴ Signature of individual who is the subject of the record sought.

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b6

08/05/11

Freedom of Information and Privacy Acts requests

To: Federal Bureau of Investigation
Record/Information Dissemination Section

This letter is a cover letter for the 15 here enclosed formal requests under the U.S. Freedom of Information and Privacy Acts (5 U.S.C. §552/552a) and the regulations promulgated thereunder. 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 15 requests.

REQUESTER INFORMATION:

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Information Sought:

The 15 here enclosed FOIPA requests are for any and all information relating or referring to:

- American Medical Association (AMA)
- Animal Protection and Rescue League (APRL)

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environmental protection/rights issues/organizations/individuals/events/investigations/etc. Please interpret animal protection/rights and environmental protection/rights broadly, but please do limit cross-reference searches within these parameters. Please contact me for any clarification on this point.

Further, for both main file and cross-reference searches, my request includes, but is not limited to, documents, reports, memoranda, letters, electronic files, "See Also" files, "Do Not File" files, "Official & Confidential" files, numbered and lettered subfiles, 1A envelopes, 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; and any index citations relating to the subjects of my requests or referencing the subjects of my requests ("see also") in other files.

3) Request for ELSUR, MISUR, and FISUR Searches:

For both main file and cross-reference searches, I request that a search of all electronic, microphone, and physical surveillance indices, filing systems, and locations for any and all records relating or referring to the subjects of my requests be conducted.

4) Request for Electronic and Paper/Manual Searches:

For both main file and cross-reference searches, I request that a search of all electronic and paper/manual indices, filing systems, and locations for any and all records relating or referring to the subjects of my requests be conducted.

5) Request for Additional Filing Systems, Indices, and Locations Searches

For both main file and cross-reference searches, please do not limit searches to the UNI (Universal Index), but please also search the ICM (Investigative Case Management) and ECF (Electronic Case File) indices, filing systems, and locations.

Indeed, for both main file and cross-reference searches, please search *all* of your indices, filing systems, and locations, including those I have not specified by name and those of which I may not be aware. Please interpret the scope of this request broadly.

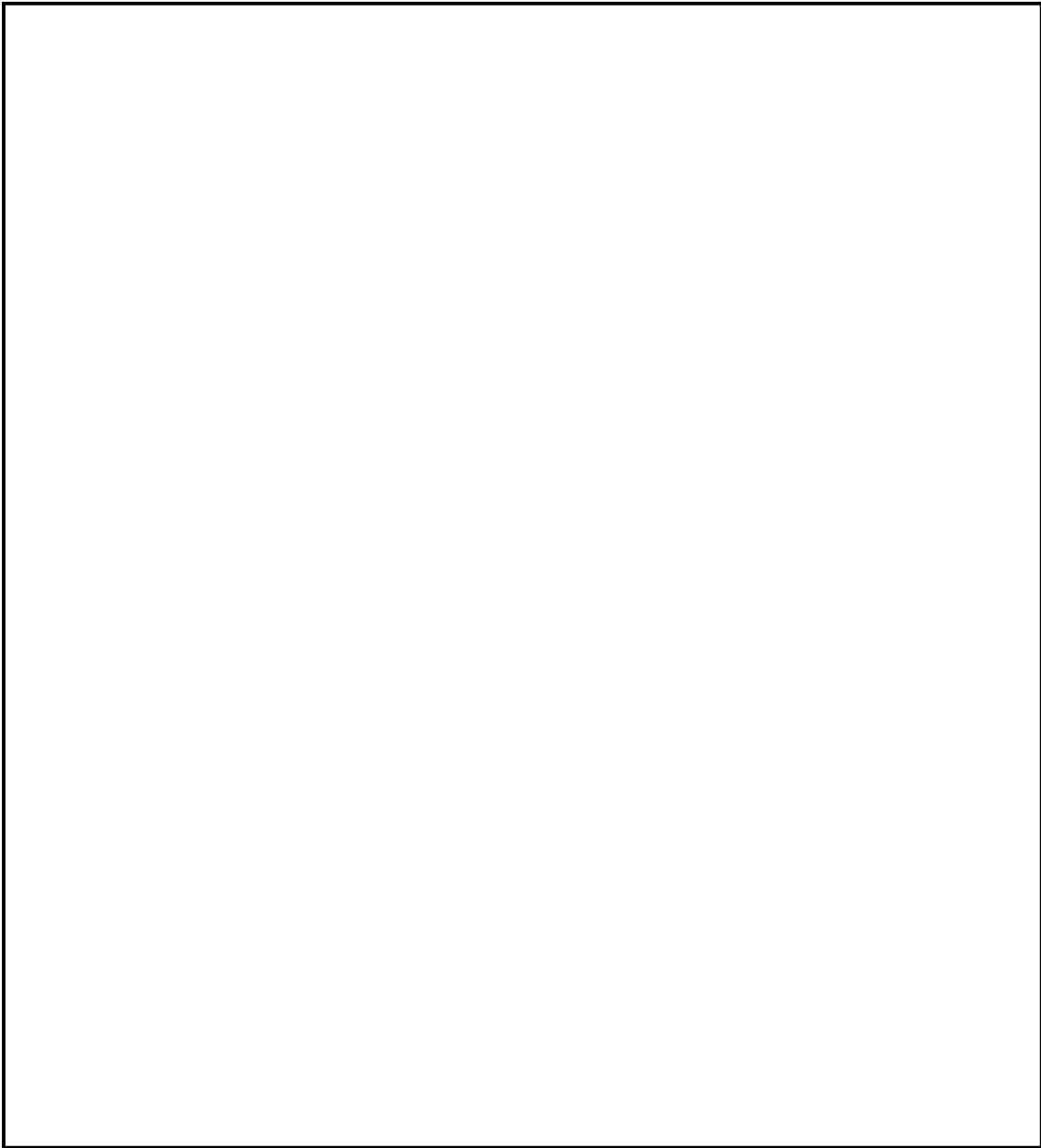


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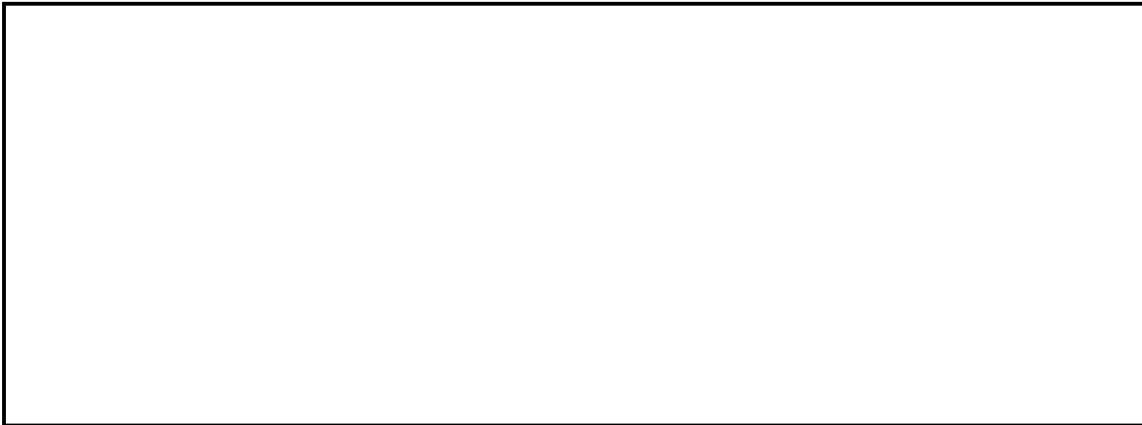
-Cate, Dexter L. (1943-1990)



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-Seiling, Eleanor (ca. 1907-1985)



-Spira, Henry (1927-1998)

8) Request for FOIA Search Slip:

I request that copies of the **FOIA Search Slips** generated as a result of the here enclosed requests be provided to me.

9) Exemptions:

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.²

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

Nevertheless, 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.

In excising material, please "black out" the material rather than "white out" or "cut out." I expect, as provided by FOIA, that the remaining non-exempt portions of 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.

² 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/>

fees. (See my FOIPA request # 1143549-000-Animal Liberation Front, as well as my FOIPA request # 1157020-Justice Department).

The FBI openly acknowledges the unity for processing/duplication fee purposes of my "animal rights" FOIPA requests. In its 3 May 2010 letter to me³, the FBI asserts that, "Based on your correspondence, we have determined that the subjects of your requests are similar in nature (animal rights), therefore you will be charged aggregate fees." And again, the FBI reiterates this point in its 24 May 2011 letter⁴ to me referencing my FOIPA request # 1161727-000 [redacted]. Writes the FBI, "Because your FOIA requests are similar in scope and content, they constitute a series of related requests, and you are being charged aggregate duplication fees for all of your requests." As made clear within the FOIA statute itself, this aggregation by the FBI is a declaration by the FBI that the Bureau considers all of my "animal rights" related FOIPA requests to "actually constitute a single request." 5 U.S.C. §552 (a)(6)(B)(iv).

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As the FBI granted me a waiver of fees for my FOIPA request # 1143549-000-Animal Liberation Front, and as the FBI aggregated this FOIPA request with all of my other "animal rights" related FOIPA requests, the FBI must grant me a waiver of fees for all of my "animal rights" related FOIPA requests, including the here enclosed requests.

It should be noted that this is the position of FBI FOIPA Public Liaison Officer, Dennis J. Argall, with whom I discussed this matter in detail on 29 June 2011. Please refer any questions on this point to Mr. Argall.

As detailed below, 1) The subject of the requested records concerns the operations of government. 2) The disclosure of the requested information is likely to significantly contribute to greater understanding of government operations. 3) The disclosure of the requested information will significantly contribute to greater public understanding of government operations. 4) I have the ability and intention to disseminate said information to the public. 5) My dissemination of the requested information will contribute significantly to expanded public understanding of government operations.

i) Disclosure of Documents Will Significantly Contribute to Public Understanding of Government operations:

The disclosure of the documents I here request is in the public interest because the information is likely to contribute significantly to public understanding of the operations or activities of government and is not primarily in my commercial interest. 28 C.F.R. § 16.11(k)(2). As stated in the legislative history, "A requester is

³ For the letter, please see my 7 July 2011 FOIPA request for records pertaining to [redacted]

⁴ For the letter again please see my 7 July 2011 FOIPA request for records pertaining to [redacted]

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As my research demonstrates, the FBI has played a profound, shifting, and deeply controversial role in the evolution of the animal rights movement and its efforts to protect animals. Relatedly, and as discussed in part below, the animal rights movement has played a profound, shifting, and deeply controversial role in the evolution of the FBI's understanding of its own mission. Further, the often hidden intersections of the animal rights movement and FBI operations have played profound, shifting, and again deeply controversial roles in defining the meanings and limits of "terrorism," "national security," and "free speech" in the United States.

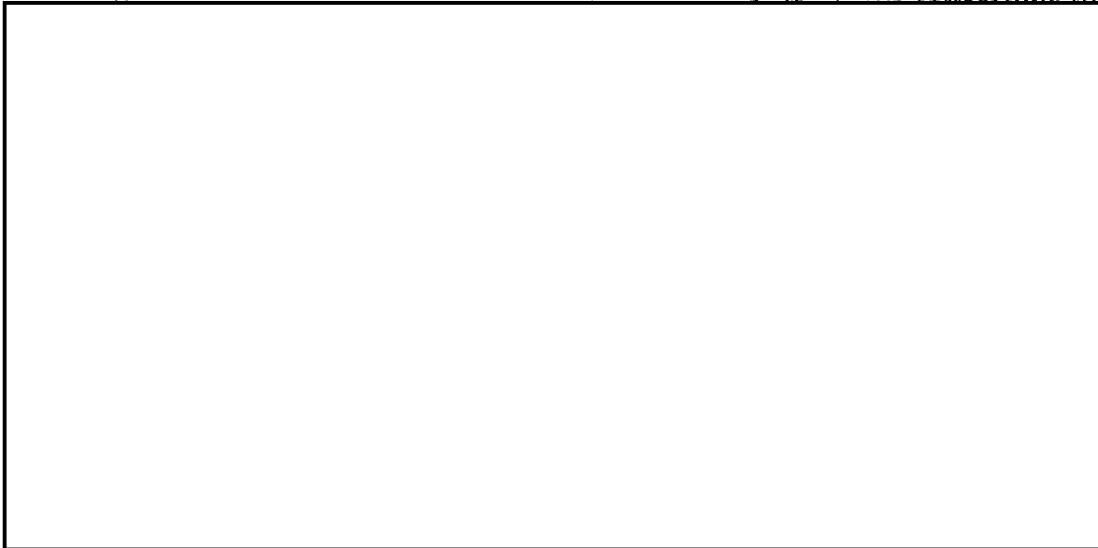
To date, almost no scholarly information, and little other information, is available to scholars or the broader public on these vital issues. Further, the little information on these matters that is currently available to scholars and the broader public is almost entirely based upon press articles, interviews with activists, and to a lesser extent, court records. Virtually none of this already minimal information builds upon the internal records of the FBI. FBI records pertaining to the Bureau's understanding and handling of the animal rights movement contain vital information on these matters that is not available through any other sources.⁸ As such, these highly controversial

search" for "COINTELPRO" yields 111 results. And a search for "COINTELPRO" on the scholarly article search engine JSTOR yields 272 results. (Searches conducted on 9 March 2011). Further, the FBI's understanding and handling of the animal rights movement is increasingly compared to COINTELPRO. (For example, see [GreenIsTheNewRed.com](http://www.GreenIsTheNewRed.com)). My research directly examines these connections. Already, and as discussed below, FBI documents obtained by me through FOIA requests, and my analysis of these documents, have been used by an award-winning journalist to highlight the similarities between the FBI's COINTELPRO program and its current handling of the animal rights and environmental movements. See <http://www.greenisthenewred.com/blog/fbi-file-reveals-discussion-of-discrediting-animal-rights-activists-by-planting-rumors/3282/>

⁸ Scholarly analysis of FOIA-obtained FBI records is a well-accepted research methodology. 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). And, while I am the first scholar to systematically request and analyze FBI documents pertaining to the Bureau's understanding and handling of the animal rights movement, for an example of scholarly analysis of Canadian Access to Information Act-obtained intelligence agency records pertaining to Canadian governmental suppression of animal rights activists, see

In summation, the disclosure of the requested information will significantly contribute to expanded public understanding of government operations and activities. I have the firm intention and ability to disseminate this significant expansion of public understanding of government operations and activities. The public interest in this significant expansion of public understanding of government operations and activities far outweighs any commercial interest of my own. Accordingly, my request for a full waiver of fees amply satisfies the rules of 28 C.F.R. § 16.11(k)(2). Legislative history and judicial authority emphatically support this determination. For these reasons, and based upon their extensive elaboration above, I request that a full waiver of search and duplication fees for my here enclosed FOIPA requests be granted. I will appeal any denial of this request for a waiver of fees to the Department of Justice's Office of Information Policy, and to the courts if necessary.

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





Federal Bureau of Investigation
Washington, D.C. 20535

December 23, 2015



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FOIPA Request No.: 1171652-000

Subject: 

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Dear 

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

- | Section 552 | | Section 552a |
|--|---|---------------------------------|
| <input checked="" type="checkbox"/> (b)(1) | <input checked="" type="checkbox"/> (b)(7)(A) | <input type="checkbox"/> (d)(5) |
| <input type="checkbox"/> (b)(2) | <input type="checkbox"/> (b)(7)(B) | <input type="checkbox"/> (j)(2) |
| <input checked="" type="checkbox"/> (b)(3) | <input checked="" type="checkbox"/> (b)(7)(C) | <input type="checkbox"/> (k)(1) |
| <u>18 U.S.C., Section 3123</u> | <input checked="" type="checkbox"/> (b)(7)(D) | <input type="checkbox"/> (k)(2) |
| <u>50 U.S.C., Section 3024 (j)(1)</u> | <input checked="" type="checkbox"/> (b)(7)(E) | <input type="checkbox"/> (k)(3) |
| <u>Fed Rules of Crim. P, 6(e)</u> | <input type="checkbox"/> (b)(7)(F) | <input type="checkbox"/> (k)(4) |
| <input type="checkbox"/> (b)(4) | <input type="checkbox"/> (b)(8) | <input type="checkbox"/> (k)(5) |
| <input type="checkbox"/> (b)(5) | <input type="checkbox"/> (b)(9) | <input type="checkbox"/> (k)(6) |
| <input checked="" type="checkbox"/> (b)(6) | | <input type="checkbox"/> (k)(7) |

551 pages were reviewed and **370** pages are being released.

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

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

You have the right to appeal any denials in this release. Appeals should be directed in writing to the Director, Office of Information Policy (OIP), U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's eFOIA portal at <http://www.justice.gov/oip/efoia-portal.html>. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Request Number assigned to your request so that it may be easily identified.

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

See additional information which follows.

Sincerely,



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

Enclosures (2)

The enclosed documents represent the first interim release of information responsive to your Freedom of Information Act (FOIA) request.

A search of the FBI Headquarters electronic surveillance indices has been conducted, and no responsive record which indicates that the subject was the target of electronic surveillance was located.

Your request for a waiver of fees has been granted, and the enclosed documents are being provided to you at no charge.

In addition, material responsive to your request was processed in Shapiro v. DOJ, Civ. A. No. 12-cv-313 (D.D.C.), concerning [redacted] FOIA Request Number 1169365-0, see Tier One.

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Also, material responsive to your request was processed in Shapiro v. DOJ, Civ. A. No. 12-cv-313 (D.D.C.), concerning [redacted] FOIA Request Number 1169590-0, see Tier Two.

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The FOIPA Request Number listed above has been assigned to your request. Please use this number in all correspondence concerning your request. Your patience is appreciated.

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

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

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

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

09/08/11

Freedom of Information and Privacy Acts requests

To: Federal Bureau of Investigation
Record/Information Dissemination Section

This letter is a cover letter for the 10 here-enclosed formal requests under the U.S. Freedom of Information and Privacy Acts (5 U.S.C. §552/552a) and the regulations promulgated thereunder. 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 10 requests.

REQUESTER INFORMATION:

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Information Sought:

The 10 here-enclosed FOIPA requests are for any and all information relating or referring to:

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-North American Animal Liberation Press Office (NAALPO)

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-Utah Animal Rights Coalition/United Animal Rights Coalition (UARC)



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The 8 above-listed individuals (2 of the 10 here-enclosed requests are for organizations, not individuals) have all provided me with signed **privacy waivers** pursuant of this end.

Additional Information Regarding the Processing of These Requests:

The following information pertains to all 10 here-enclosed requests:

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

I request that a complete and thorough search for any and all materials relating or referring to the subjects of my requests be conducted in any and all indices, filing systems, and locations pertaining to any and all records and materials prepared, received, transmitted, collected and/or 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.

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

I request that a search of all main file **and cross-reference** indices, filing systems, and locations be conducted for any and all records relating or referring to the subjects of my requests. ***That my requested cross-reference searches be conducted is not only a requirement of FOIA, it is also the position of FBI FOIPA Public Liaison Officer Dennis J. Argall. Please refer any questions on this matter to Mr. Argall.***

In conducting cross-reference searches, and as per my 6 July 2011 conversation with Mr. Argall, please limit cross-reference searches to information pertaining *in any way to animal protection/rights and environmental protection/rights issues/organizations/individuals/events/ investigations/etc.* Please interpret animal protection/rights and environmental protection/rights broadly, but please do limit cross-reference searches within these parameters. Please contact me for any clarification on this point.

Also please note, as the two here-enclosed requests pertaining to animal rights organizations pertain to animal rights organizations, any cross-references to

these organizations are definitionally within the scope of my request and I request disclosure of these cross-reference records. Again, please contact me for any clarification on this point.

Further, for both main file and cross-reference searches, my request includes, but is not limited to, documents, reports, memoranda, letters, electronic files, "See Also" files, "Do Not File" files, "Official & Confidential" files, numbered and lettered subfiles, 1A envelopes, 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; and any index citations relating to the subjects of my requests or referencing the subjects of my requests ("see also") in other files.

3) Request for ELSUR, MISUR, and FISUR Searches:

For both main file and cross-reference searches, I request that a search of all electronic, microphone, and physical surveillance indices, filing systems, and locations for any and all records relating or referring to the subjects of my requests be conducted.

4) Request for Electronic and Paper/Manual Searches:

For both main file and cross-reference searches, I request that a search of all electronic and paper/manual indices, filing systems, and locations for any and all records relating or referring to the subjects of my requests be conducted.

5) Request for Additional Filing Systems, Indices, and Locations Searches

For both main file and cross-reference searches, please do not limit searches to the UNI (Universal Index), but please also search the ICM (Investigative Case Management) and ECF (Electronic Case File) indices, filing systems, and locations.

Indeed, for both main file and cross-reference searches, please search *all* of your indices, filing systems, and locations, including those I have not specified by name and those of which I may not be aware. Please interpret the scope of this request broadly.

6) Request for Ticklers:

For both main file and cross-reference searches, I request that a search for any and all "ticklers" relating or referring to the subjects of my requests be conducted.¹

¹ 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

7) Request for Additional Included References:

As part of the here-enclosed requests, I request that any references to the below living and deceased individuals contained in the here requested releases be provided to me unredacted. These below individuals have all provided me with signed privacy waivers pursuant of this end, or I have obtained obituaries for them. Please refer any questions on this issue to FBI FOIPA Public Liaison Officer Dennis J. Argall.

-Amory, Cleveland (1917-1981)

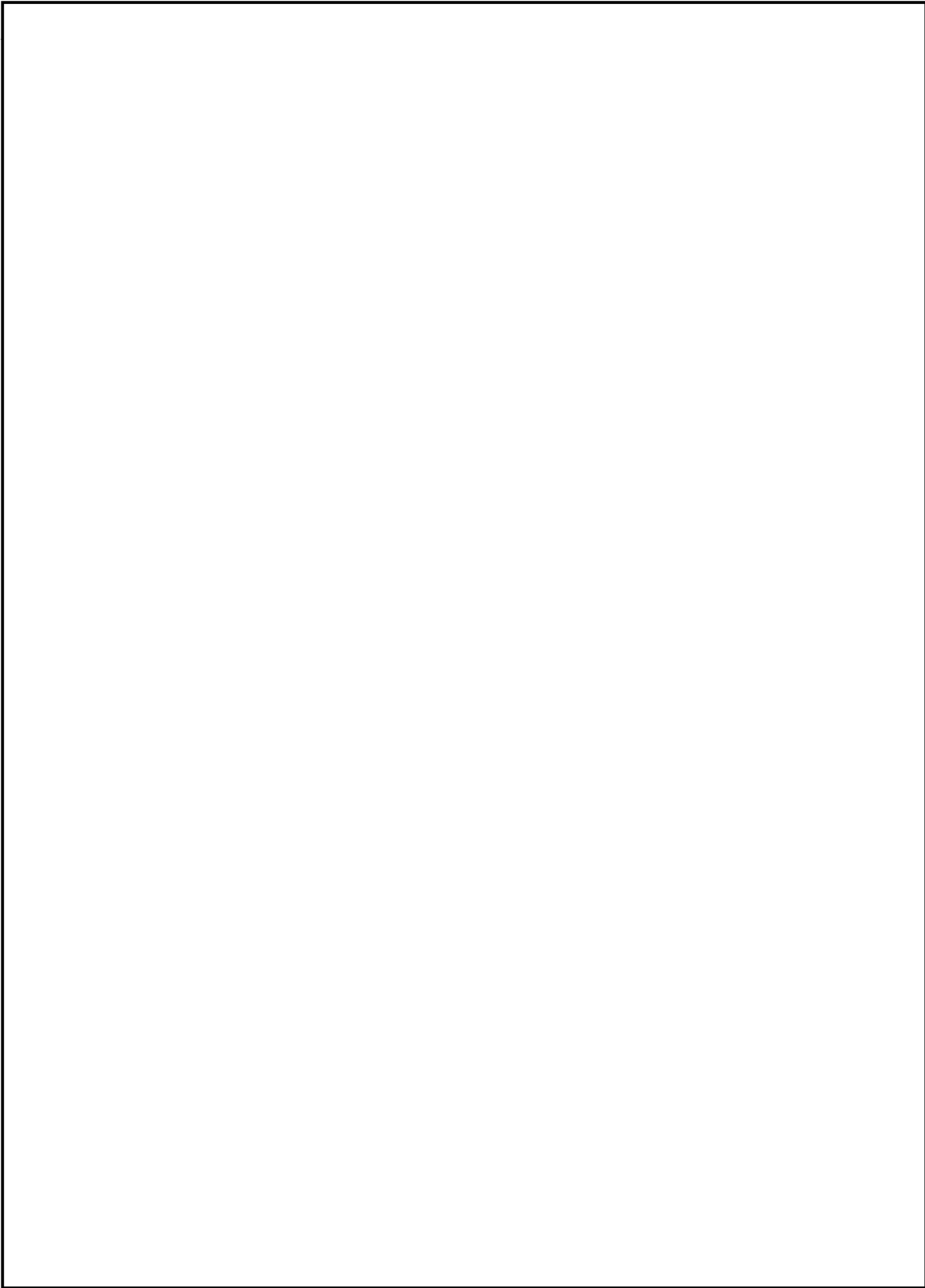
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a FOIA requester because they could contain documents that failed to survive in other filing systems or that include unique annotations."



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-Cate, Dexter L. (1943-1990)



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-Herrington, Alice (ca. 1919-1994)



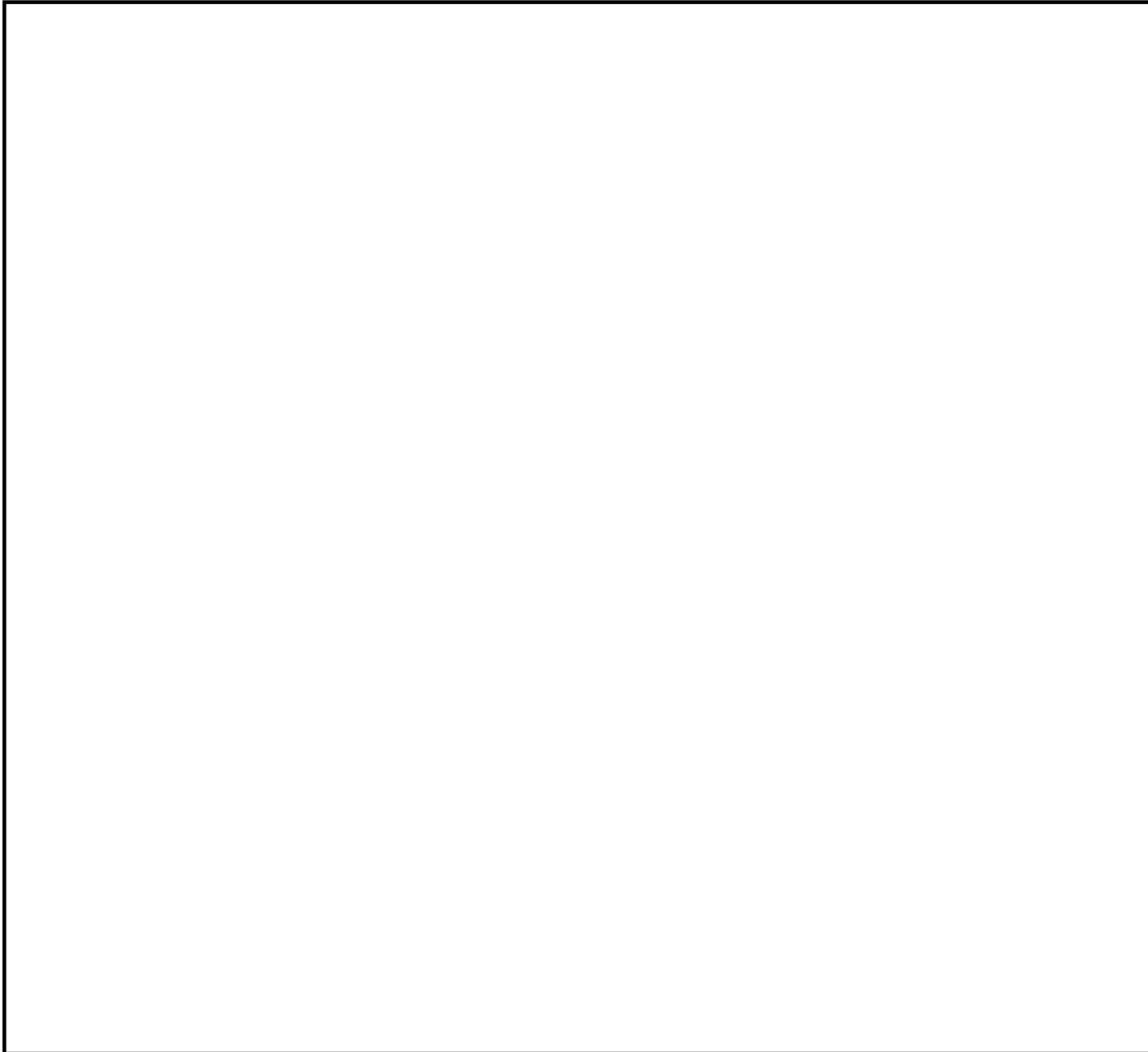
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-Hutto, Henry (1953-2003)



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-Jones, Helen (?-1998)

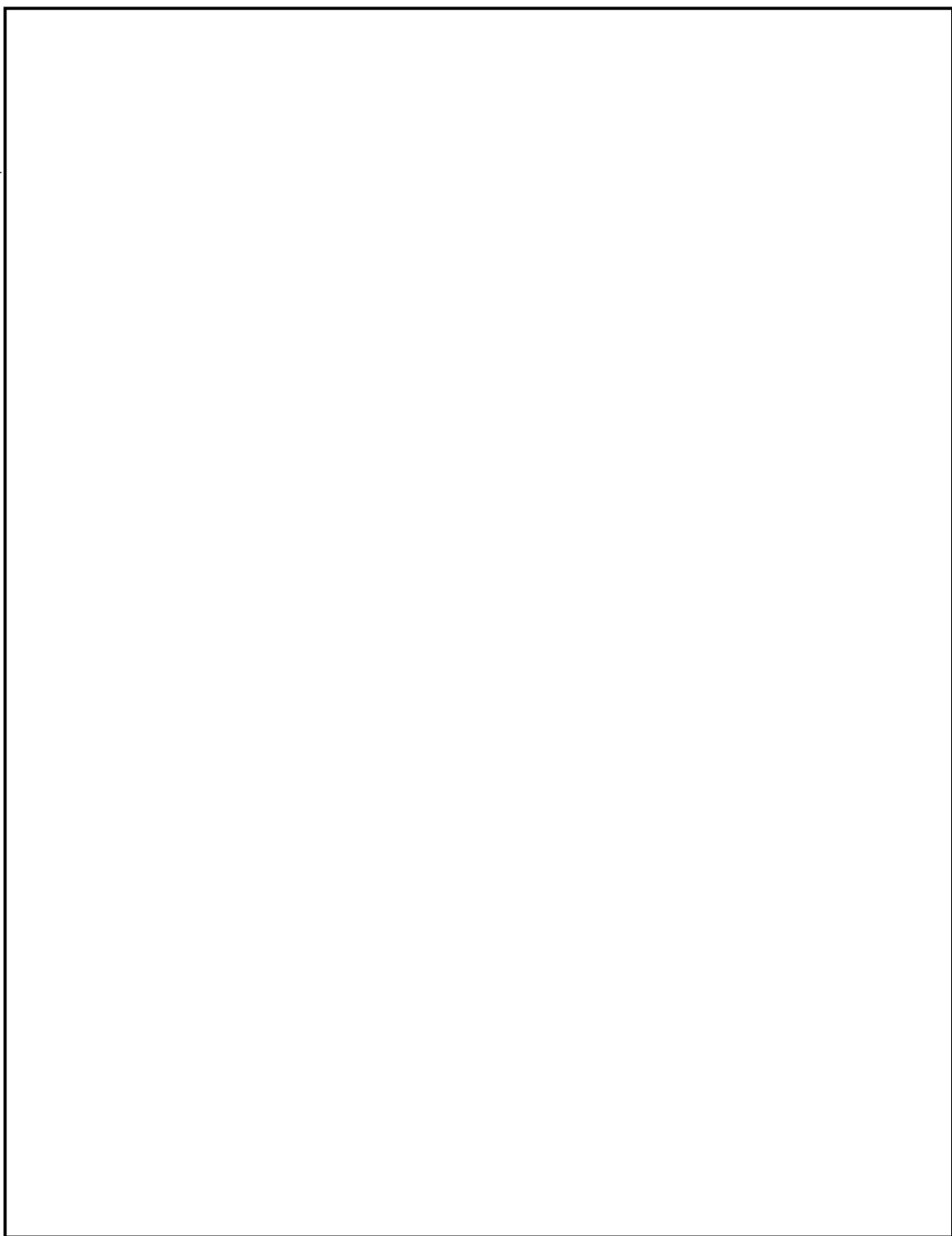


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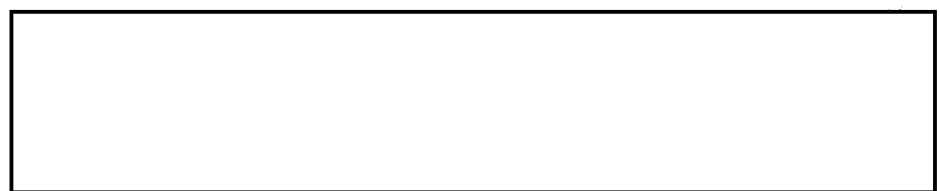
-Myers, Fred (1904-1963)

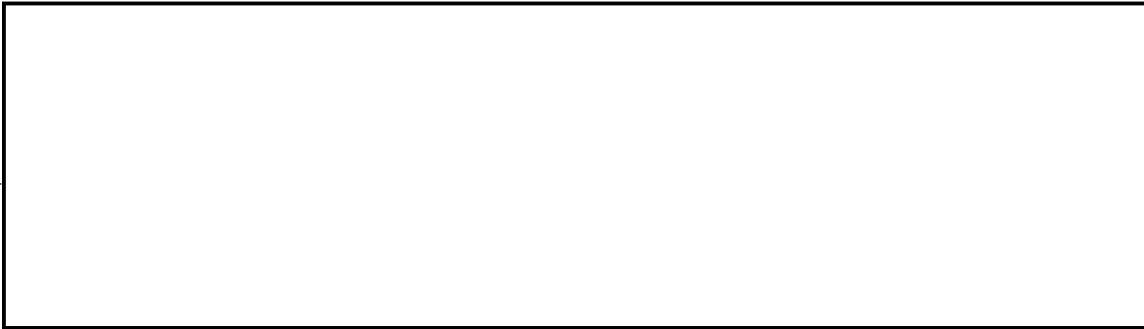


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-Seiling, Eleanor (ca. 1907-1985)





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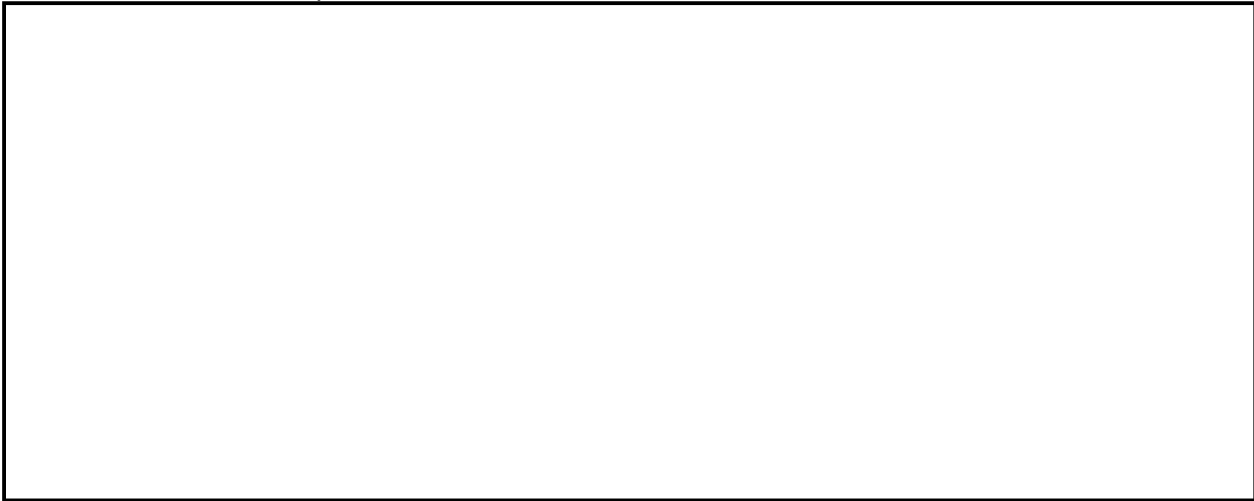
-Spira, Henry (1927-1998)



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-Stewart, Leslie (1936-2009)

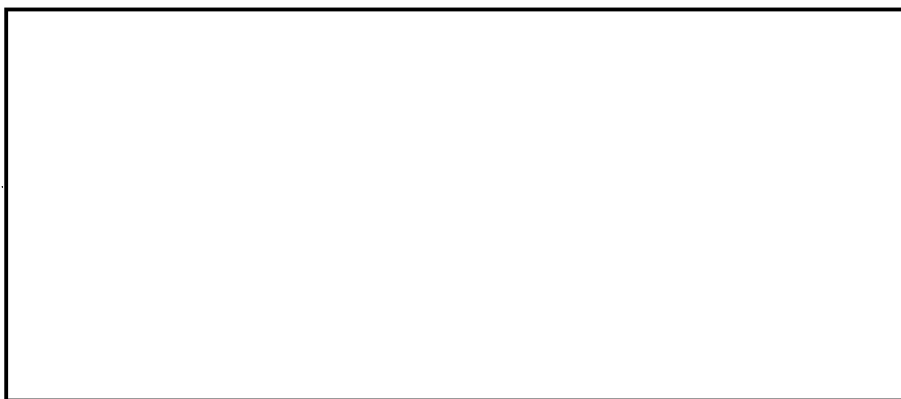
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-Troen, Roger (1931-2008)

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8) Request for FOIA Search Slip:

I request that copies of the **FOIA Search Slips** generated as a result of the here-enclosed requests be provided to me.

9) Exemptions:

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.²

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

Nevertheless, 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

² 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/>

extension of automatic declassification or review past six years; and, if applicable, the reason for extended classification beyond six years.

In excising material, please "black out" the material rather than "white out" or "cut out." I expect, as provided by FOIA, that the remaining non-exempt portions of 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.

10) Format:

I request that any releases stemming from the here-enclosed requests be provided to me in digital format on a compact disk or other like media.

11) Additionally:

Please produce all records with administrative markings and pagination included.

Please place any "missing" files pertaining to this request on "special locate" and advise me that you have done this.

Please send a memo (copy to me) to the appropriate units in your office to assure that no records related to this request are destroyed. Please advise of any destruction of records and include the date of and authority for such destruction.

12) Payment:

I am willing to pay any reasonable expenses associated with the here-enclosed requests, however, as the purpose of the requested disclosures 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.'").

Important note regarding fees:

The here-enclosed requests, along with all of my so-designated FOIPA requests, pertain to my research on the relationships between the FBI and the animal rights movement. As articulated below, all of my so-designated FOIPA requests pertain to this one project. The FBI has determined that this project qualifies for a waiver of fees. (See my FOIPA request # 1143549-000-Animal Liberation Front, as well as my FOIPA request # 1157020-Justice Department).

The FBI openly acknowledges the unity for processing/duplication fee purposes of my "animal rights" FOIPA requests. In its 3 May 2010 letter to me³, the FBI asserts that, "Based on your correspondence, we have determined that the subjects of your requests are similar in nature (animal rights), therefore you will be charged aggregate fees." And again, the FBI reiterates this point in its 24 May 2011 letter⁴ to me referencing my FOIPA request # 1161727-000 [REDACTED]. Writes the FBI, "Because your FOIA requests are similar in scope and content, they constitute a series of related requests, and you are being charged aggregate duplication fees for all of your requests." As made clear within the FOIA statute itself, this aggregation by the FBI is a declaration by the FBI that the Bureau considers all of my "animal rights" related FOIPA requests to "actually constitute a single request." 5 U.S.C. §552 (a)(6)(B)(iv).

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As the FBI granted me a waiver of fees for my FOIPA request # 1143549-000-Animal Liberation Front, and as the FBI aggregated this FOIPA request with all of my other "animal rights" related FOIPA requests, the FBI must grant me a waiver of fees for all of my "animal rights" related FOIPA requests, including the here-enclosed requests. It should be noted that this is the position of FBI FOIPA Public Liaison Officer, Dennis J. Argall, with whom I discussed this matter in detail on 29 June 2011. Please refer any questions on this point to Mr. Argall.

As detailed below, 1) The subject of the requested records concerns the operations of government. 2) The disclosure of the requested information is likely to significantly contribute to greater understanding of government operations. 3) The disclosure of the requested information will significantly contribute to greater public understanding of government operations. 4) I have the ability and intention to disseminate said information to the public. 5) My dissemination of the requested information will contribute significantly to expanded public understanding of government operations.

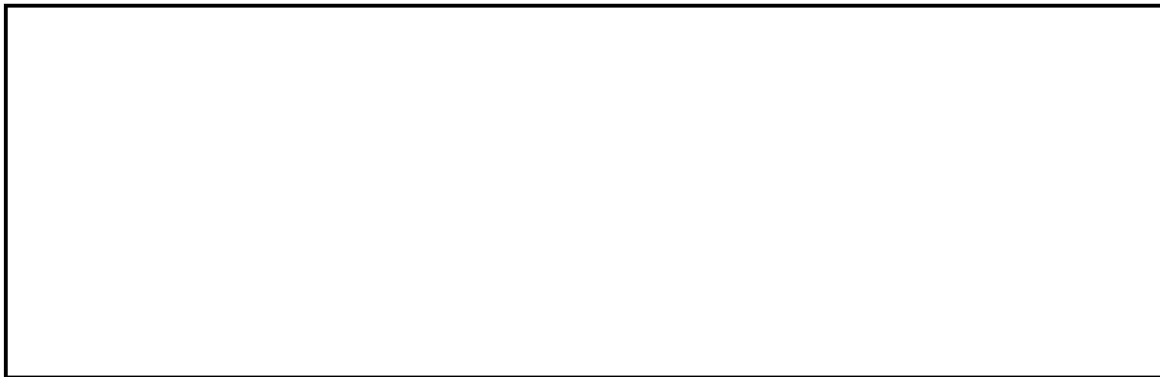
³ For the letter, please see my 7 July 2011 FOIPA request for records pertaining to [REDACTED]

⁴ For the letter again please see my 7 July 2011 FOIPA request for records pertaining to [REDACTED]

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i) Disclosure of Documents Will Significantly Contribute to Public Understanding of Government operations:

The disclosure of the documents I here request is in the public interest because the information is likely to contribute significantly to public understanding of the operations or activities of government and is not primarily in my commercial interest. 28 C.F.R. § 16.11(k)(2). As stated in the legislative history, "A requester is likely to contribute significantly to public understanding if the information disclosed is new; supports public oversight of agency operations; or otherwise confirms or clarifies data on past or present operations of the government." 132 Cong. Rec. H9464 (Reps. English and Kindness). This request amply satisfies these requirements.



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The animal rights movement is a major American social and political movement that is daily engaged in heated controversies with government agencies. It is one of the most controversial and quickly growing social movements in the United States, and volumes upon volumes of new scholarly and popular literature on the animal rights movement are produced each year. Even the most cursory investigation demonstrates the tremendous general public interest, as well as scholarly interest, in the animal rights movement. A quick search for "animal rights" on Google.com yields "about 3,950,000" results. An Amazon.com "book search" for "animal rights" yields 1,512 results. And a search for "animal rights" on the scholarly article search engine JSTOR yields 4,104 results. Even the FBI's own website yields dozens upon dozens of search results for "animal rights."⁵

The FBI is the leading law enforcement and domestic counter-terrorism governmental agency in the United States. As with the animal rights movement, even the most cursory of investigations demonstrates the tremendous general public interest, as well as scholarly interest, in the operations of the FBI. A quick search for "Federal Bureau of Investigation" on Google.com yields "about 2,600,000" results. An Amazon.com "book search" for "Federal Bureau of Investigation" yields 1,480 results. And a search for "Federal Bureau of Investigation" on the scholarly

⁵ Searches conducted on 29 May 2010.

article search engine JSTOR yields 4,611 results.⁶ In particular, the FBI's investigations of, and at times campaigns against, American social justice and advocacy organizations remain among the most controversial of FBI and domestic U.S. governmental operations.⁷

As my research demonstrates, the FBI has played a profound, shifting, and deeply controversial role in the evolution of the animal rights movement and its efforts to protect animals. Relatedly, and as discussed in part below, the animal rights movement has played a profound, shifting, and deeply controversial role in the evolution of the FBI's understanding of its own mission. Further, the often hidden intersections of the animal rights movement and FBI operations have played profound, shifting, and again deeply controversial roles in defining the meanings and limits of "terrorism," "national security," and "free speech" in the United States.

To date, almost no scholarly information, and little other information, is available to scholars or the broader public on these vital issues. Further, the little information on these matters that is currently available to scholars and the broader public is almost entirely based upon press articles, interviews with activists, and to a lesser extent, court records. Virtually none of this already minimal information builds upon the internal records of the FBI. FBI records pertaining to the Bureau's understanding and handling of the animal rights movement contain vital information on these matters that is not available through any other sources.⁸ As such, these highly controversial

⁶ Searches conducted on 9 March 2011.

⁷ This point is explored further below. However, for further evidence of the consistently controversial nature of FBI operations concerning American social justice and advocacy organizations, one need look no further than popular and scholarly attention to COINTELPRO (Counter Intelligence Program), the FBI's infamous 1950s-1970s assaults on the civil liberties of American advocacy organizations. A quick search for "COINTELPRO" on Google.com yields "about 362,000" results. An Amazon.com "book search" for "COINTELPRO" yields 111 results. And a search for "COINTELPRO" on the scholarly article search engine JSTOR yields 272 results. (Searches conducted on 9 March 2011). Further, the FBI's understanding and handling of the animal rights movement is increasingly compared to COINTELPRO. (For example, see GreenIsTheNewRed.com). My research directly examines these connections. Already, and as discussed below, FBI documents obtained by me through FOIA requests, and my analysis of these documents, have been used by an award-winning journalist to highlight the similarities between the FBI's COINTELPRO program and its current handling of the animal rights and environmental movements. See <http://www.greenisthenewred.com/blog/fbi-file-reveals-discussion-of-discrediting-animal-rights-activists-by-planting-rumors/3282/>

⁸ Scholarly analysis of FOIA-obtained FBI records is a well-accepted research methodology. 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

topics concerning government operations, national security, and free speech are not only grossly under-examined, but the few examinations that even begin to touch upon them neglect to examine the key sources that would by far shed the most light upon the nature and evolution of the FBI's deeply consequential and controversial understanding and handling of the animal rights movement. Pursuant of correcting these vast gaps in public understanding of government operations, I have requested through the Freedom of Information Act, and will continue to request, information held by the FBI pertaining to key individuals, organizations, and events related to the FBI's role in animal use and protection conflicts from the pre-World War II period to the present. The disclosure of information held by the FBI pertaining to its understanding and handling of the subjects of the here-enclosed requests, all leading animal rights activists and organizations, will significantly contribute to my research into the intersections of the animal rights movement and FBI operations, and as such will significantly contribute to expanded public understanding of government operations, as well as support the public oversight of government agencies.

For extensive additional fee waiver information pertaining to the myriad public interests served by my research into the intersections of the FBI and the animal rights movement, please see my FOIPA request 1170870-000 [REDACTED] Please refer any questions on this point to FBI FOIPA Public Liaison Officer, Dennis J. Argall.

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ii) Additional Information Pertaining to my Request for a Waiver of Fees:

For extensive additional fee waiver information pertaining to a) my intent and ability to disseminate analysis of the requested information, b) the non-commercial nature of my request, c) additional information on scholarly historical research and the public interest, d) additional information on journalistic research and the public interest, e) and letters of support for my research from leading historical scholars, a leading journalist, and a leading civil liberties attorney, please see my 7 July 2011

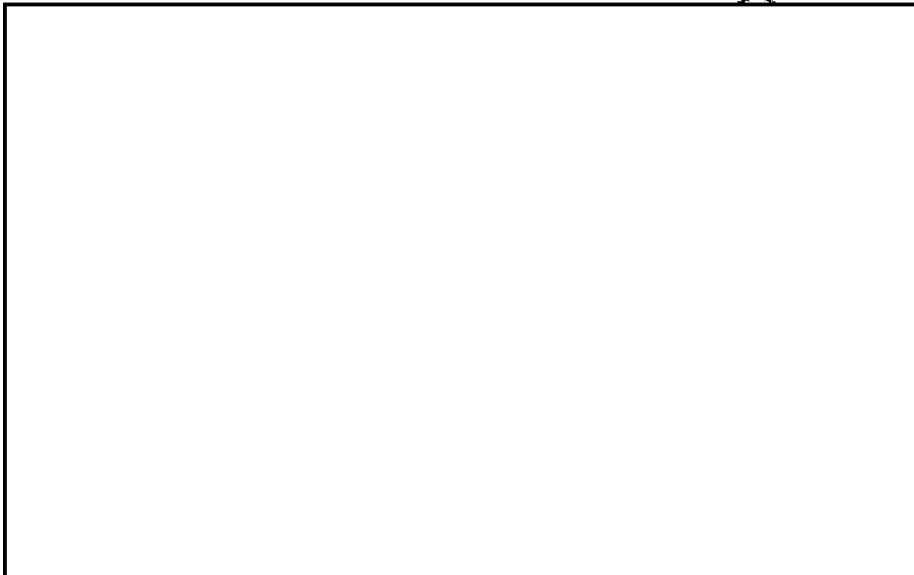
marginalize the civil rights movement, see Kenneth O'Reilly's *Racial Matters: The FBI's Secret File on Black America, 1960-1972* (Free Press, 1991). For an example of historical analysis of FOIA-obtained FBI documents seeking to shed new light on the life and legacy of Malcolm X, including information 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). And, while I am the first scholar to systematically request and analyze FBI documents pertaining to the Bureau's understanding and handling of the animal rights movement, for an example of scholarly analysis of Canadian Access to Information Act-obtained intelligence agency records pertaining to Canadian governmental suppression of animal rights activists, see Kevin Walby and Jeffrey Monaghan's "Private Eyes and Public Order: Policing and Surveillance in the Suppression of Animal Rights Activists in Canada," *Social Movement Studies* (Vol. 10, No. 1, 21-37, January 2011).

FOIPA request for records pertaining to Please refer any questions on this point to FBI FOIPA Public Liaison Officer, Dennis J. Argall.

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In summation, the disclosure of the requested information will significantly contribute to expanded public understanding of government operations and activities. I have the firm intention and ability to disseminate this significant expansion of public understanding of government operations and activities. The public interest in this significant expansion of public understanding of government operations and activities far outweighs any commercial interest of my own. Accordingly, my request for a full waiver of fees amply satisfies the rules of 28 C.F.R. § 16.11(k)(2). Legislative history and judicial authority emphatically support this determination. For these reasons, and based upon their extensive elaboration above, I request that a full waiver of search and duplication fees for my here-enclosed FOIPA requests be granted. I will appeal any denial of this request for a waiver of fees to the Department of Justice's Office of Information Policy, and to the courts if necessary.

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



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09/08/11

Freedom of Information and Privacy Acts request for information on a living person [redacted]

b6

To: Federal Bureau of Investigation
Record/Information Dissemination Section

This letter constitutes a formal request under the U.S. Freedom of Information and Privacy Acts (5 U.S.C. §552/552a) and the regulations promulgated thereunder. Please analyze the requested material under both 5 U.S.C. §552 and 5 U.S.C. §552a in order to produce the maximum number of results.

REQUESTER INFORMATION:

[redacted]

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Information Sought:

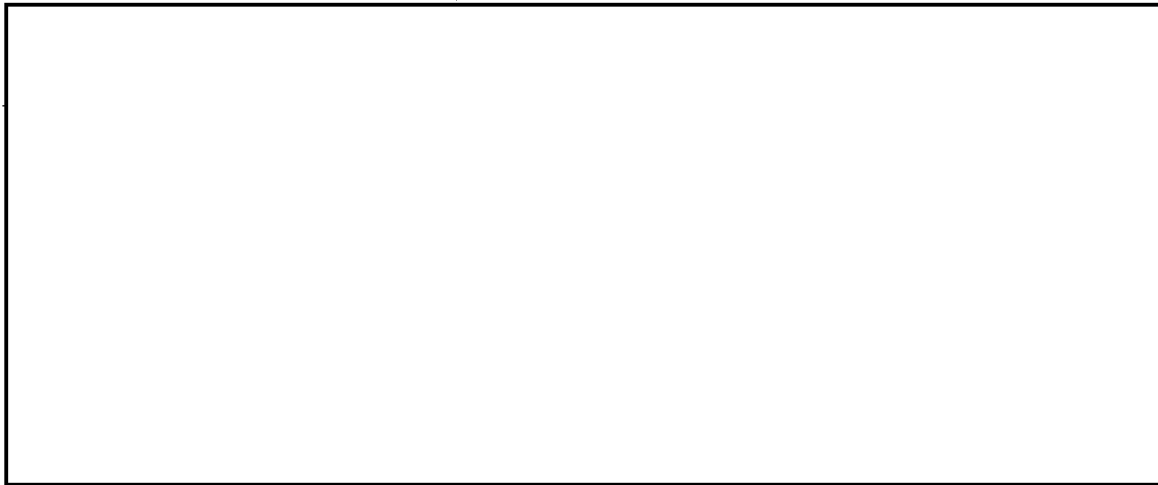
I request disclosure of any and all records that were prepared, received, transmitted, collected and/or maintained by the FBI, the National Joint Terrorism Task Force, or any joint Terrorism Task Force relating or referring to the living person [redacted]

b6

Date of Birth: [redacted]
Place of Birth: [redacted]
Current address: [redacted]
Social Security #: [redacted]

Attached please find a signed **Privacy Waiver/Certification of Identity** for [redacted]. Please alert FBI FOIPA Public Liaison Officer, Dennis J. Argall, as to the arrival of [redacted] waiver for inclusion in the Master Subject Index established for my FOIPA requests.

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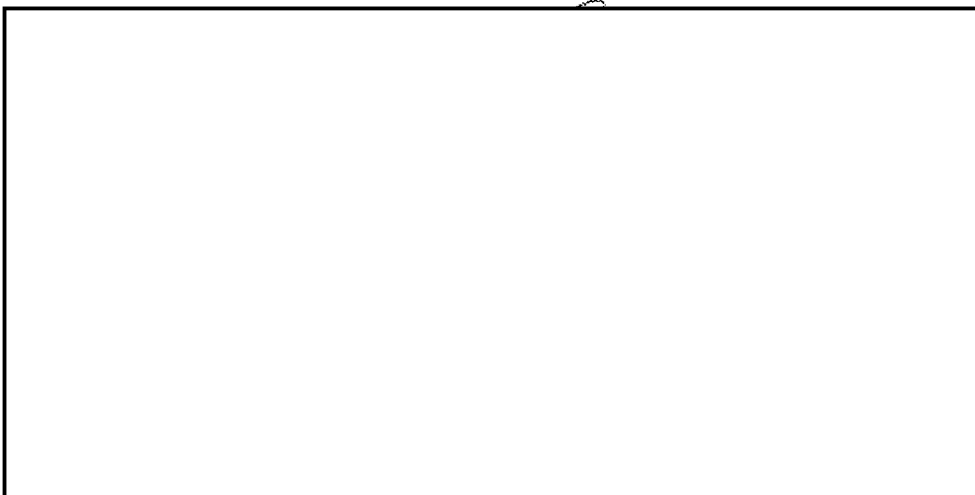
Additional Background Information:

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Additional Request Components:

For extensive additional important information pertaining to this request, including 1) My request for FBI Headquarters, field office, and task force searches, 2) My request for main file and cross-reference searches, 3) My request for ELSUR, MISUR, and FISUR searches, 4) My request for electronic and paper searches, 5) My request for additional filing systems, indices, and locations searches, 6) My request for "tickler" searches, 7) My request for unredacted additional included references, 8) My request for the FOIA search slip generated as a result of this request, 9) My requests and instructions regarding exemptions, 10) My request for release of the requested materials on digital media, 11) My additional requests regarding processing of this request, 12) And my request for a full waiver of search and duplication fees, please see the **cover letter** attached to and associated with this present request.

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



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Certification of Identity



FORM APPROVED OMB NO. 1103-0016
EXPIRES 10/31/13

Privacy Act Statement. In accordance with 28 CFR Section 16.41(d) personal data sufficient to identify the individuals submitting requests by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required. The purpose of this solicitation is to ensure that the records of individuals who are the subject of U.S. Department of Justice systems of records are not wrongfully disclosed by the Department. Requests will not be processed if this information is not furnished. False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 552a(i)(3).

Public reporting burden for this collection of information is estimated to average 0.50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Suggestions for reducing this burden may be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, Public Use Reports Project (1103-0016), Washington, DC 20503.

Full Name of Requester ¹

Citizenship Status ² United States Social Security Number ³

Current Address

Date of Birth Place of Birth

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

Signature ⁴ Date 9/2/11

OPTIONAL: Authorization to Release Information to Another Person

This form is also to be completed by a requester who is authorizing information relating to himself or herself to be released to another person.

Further, pursuant to 5 U.S.C. Section 552a(h), I authorize the U.S. Department of Justice to release any and all information relating to me to:

Name of Requester

¹ Name of individual who is the subject of the record(s) sought.

² Individual submitting a request under the Privacy Act of 1974 must be either "a citizen of the United States or an alien lawfully admitted for permanent residence," pursuant to 5 U.S.C. Section 552a(a)(2). Requests will be processed as Freedom of Information Act requests pursuant to 5 U.S.C. Section 552, rather than Privacy Act requests, for individuals who are not United States citizens or aliens lawfully admitted for permanent residence.

³ Providing your social security number is voluntary. You are asked to provide your social security number only to facilitate the identification of records relating to you. Without your social security number, the Department may be unable to locate any or all records pertaining to you.

⁴ Signature of individual who is the subject of the record sought.

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09/08/11

Freedom of Information and Privacy Acts request for information on a living person: [redacted]

b6

To: Federal Bureau of Investigation
Record/Information Dissemination Section

This letter constitutes a formal request under the U.S. Freedom of Information and Privacy Acts (5 U.S.C. §552/552a) and the regulations promulgated thereunder. Please analyze the requested material under both 5 U.S.C. §552 and 5 U.S.C. §552a in order to produce the maximum number of results.

REQUESTER INFORMATION:

b6

[redacted]

Information Sought:

I request disclosure of any and all records that were prepared, received, transmitted, collected and/or maintained by the FBI, the National Joint Terrorism Task Force, or any Joint Terrorism Task Force relating or referring to the living person [redacted]

b6

Date of Birth: [redacted]

Place of Birth: [redacted]

Current address: [redacted]

Social Security #: [redacted]

Attached please find a signed **Privacy Waiver/Certification of Identity** for [redacted]. Please alert FBI FOIPA Public Liaison Officer, Dennis J. Argall, as to the arrival of [redacted] waiver for inclusion in the Master Subject Index established for my FOIPA requests.

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Additional Background Information:

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Additional Request Components:

For extensive additional important information pertaining to this request, including 1) My request for FBI Headquarters, field office, and task force searches, 2) My request for main file and cross-reference searches, 3) My request for ELSUR, MISUR, and FISUR searches, 4) My request for electronic and paper searches, 5) My request for additional filing systems, indices, and locations searches, 6) My request for "tickler" searches, 7) My request for unredacted additional included references, 8) My request for the FOIA search slip generated as a result of this request, 9) My requests and instructions regarding exemptions, 10) My request for release of the requested materials on digital media, 11) My additional requests regarding processing of this request, 12) And my request for a full waiver of search and duplication fees, please see the **cover letter** attached to and associated with this present request.

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

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Privacy Act Statement. In accordance with 28 CFR Section 16.41(d) personal data sufficient to identify the individuals submitting requests by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required. The purpose of this solicitation is to ensure that the records of individuals who are the subject of U.S. Department of Justice systems of records are not wrongfully disclosed by the Department. Requests will not be processed if this information is not furnished. False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 552a(j)(3).

Public reporting burden for this collection of information is estimated to average 0.50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Suggestions for reducing this burden may be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, Public Use Reports Project (1103-0016), Washington, DC 20503.

Full Name of Requester ¹

b6

Citizenship Status ² US Citizen Social Security Number

Current Address

Date of Birth Place of Birth

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above, and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under 18 U.S.C. Section 1001 by a fine of not more than \$5,000.

Signature ⁴

Date September 7, 2011

OPTIONAL: Authorization to Release Information to Another Person

This form is also to be completed by a requester who is authorizing information relating to himself or herself to be released to another person. Further, pursuant to 5 U.S.C. Section 552a(h), I authorize the U.S. Department of Justice to release any and all information relating to me to:

b6

PRINT OR TYPE NAME

¹ Name of individual who is the subject of the record(s) sought.
² Individual submitting a request under the Privacy Act of 1974 must be either "a citizen of the United States or an alien lawfully admitted for permanent residence," pursuant to 5 U.S.C. Section 552a(a)(2). Requests will be processed as Freedom of Information Act requests pursuant to 5 U.S.C. Section 552, rather than Privacy Act requests, for individuals who are not United States citizens or aliens lawfully admitted for permanent residence.
³ Providing your social security number is voluntary. You are asked to provide your social security number only to facilitate the identification of records relating to you. Without your social security number, the Department may be unable to locate any or all records pertaining to you.
⁴ Signature of individual who is the subject of the record sought.

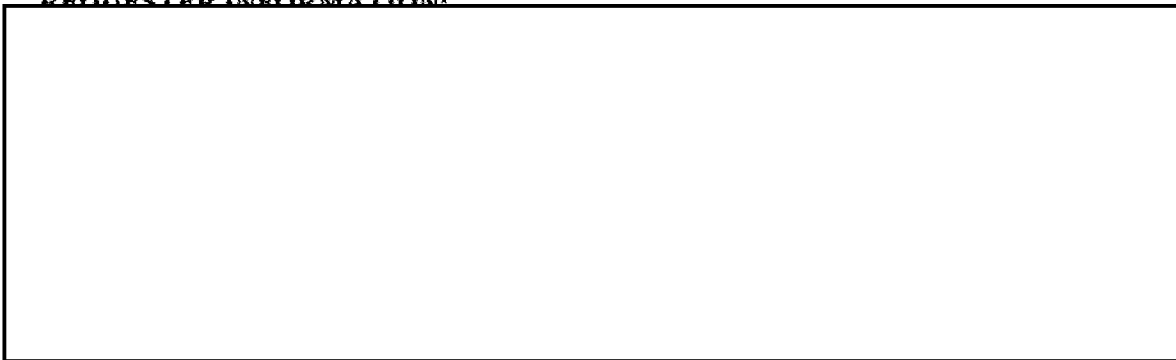
09/08/11

Freedom of Information and Privacy Acts request for information on the *North American Animal Liberation Press Office (NAALPO)*

To: Federal Bureau of Investigation
Record/Information Dissemination Section

This letter constitutes a formal request under the U.S. Freedom of Information and Privacy Acts (5 U.S.C. §552/552a) and the regulations promulgated thereunder. Please analyze the requested material under both 5 U.S.C. §552 and 5 U.S.C. §552a in order to produce the maximum number of results.

REQUESTED INFORMATION:



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Information Sought:

I request disclosure of any and all records that were prepared, received, transmitted, collected and/or maintained by the FBI, the National Joint Terrorism Task Force, or any Joint Terrorism Task Force relating or referring to the ***North American Animal Liberation Press Office (NAALPO)***.

Additional Background Information:

NAALPO is a leading animal rights organization. It is based out of Los Angeles, CA and Fishkill, NY but it is active nationally and internationally. The website for NAALPO is <http://www.animalliberationpressoffice.org/>. NAALPO is closely associated with the organizations *Animal Liberation Front (ALF)* and *the Earth Liberation Front (ELF)*. NAALPO is also closely associated with the animal rights organizations *Stop Huntington Animal Cruelty (SHAC)*, *Win Animal Rights (WAR)*, *Smash HLS*, and *Negotiation Is Over (NIO)*. Leading animal rights activists closely

associated with NAALPO include, but are not limited to

b6

Additional Request Components:

For extensive additional important information pertaining to this request, including 1) My request for FBI Headquarters, field office, and task force searches, 2) My request for main file and cross-reference searches, 3) My request for ELSUR, MISUR, and FISUR searches, 4) My request for electronic and paper searches, 5) My request for additional filing systems, indices, and locations searches, 6) My request for "tickler" searches, 7) My request for unredacted additional included references, 8) My request for the FOIA search slip generated as a result of this request, 9) My requests and instructions regarding exemptions, 10) My request for release of the requested materials on digital media, 11) My additional requests regarding processing of this request, 12) And my request for a full waiver of search and duplication fees, please see the *cover letter* attached to and associated with this present request.

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

b6

09/08/11

Freedom of Information and Privacy Acts request for information on a living person: [redacted]

b6

To: Federal Bureau of Investigation
Record/Information Dissemination Section

This letter constitutes a formal request under the U.S. Freedom of Information and Privacy Acts (5 U.S.C. §552/552a) and the regulations promulgated thereunder. Please analyze the requested material under both 5 U.S.C. §552 and 5 U.S.C. §552a in order to produce the maximum number of results.

REQUESTER INFORMATION:

[redacted]

b6

Information Sought:

I request disclosure of any and all records that were prepared, received, transmitted, collected and/or maintained by the FBI, the National Joint Terrorism Task Force, or any joint Terrorism Task Force relating or referring to the living person [redacted]

b6

Date of Birth: [redacted]

Place of Birth: [redacted]

Current address: [redacted]

Social Security #: [redacted]

Attached please find a signed **Privacy Waiver/Certification of Identity** for [redacted]. Please alert FBI FOIPA Public Liaison Officer, Dennis J. Argall, as to the arrival of [redacted] waiver for inclusion in the Master Subject Index established for my FOIPA requests.

b6

Additional Background Information:

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Additional Request Components:

For extensive additional important information pertaining to this request, including 1) My request for FBI Headquarters, field office, and task force searches, 2) My request for main file and cross-reference searches, 3) My request for ELSUR, MISUR, and FISUR searches, 4) My request for electronic and paper searches, 5) My request for additional filing systems, indices, and locations searches, 6) My request for "tickler" searches, 7) My request for unredacted additional included references, 8) My request for the FOIA search slip generated as a result of this request, 9) My requests and instructions regarding exemptions, 10) My request for release of the requested materials on digital media, 11) My additional requests regarding processing of this request, 12) And my request for a full waiver of search and duplication fees, please see the **cover letter** attached to and associated with this present request.

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

b6

Certification of Identity



FORM APPROVED OMB NO. 1103-0016
EXPIRES 10/31/13

Privacy Act Statement. In accordance with 28 CFR Section 16.41(d) personal data sufficient to identify the individuals submitting requests by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required. The purpose of this solicitation is to ensure that the records of individuals who are the subject of U.S. Department of Justice systems of records are not wrongfully disclosed by the Department. **Requests will not be processed if this information is not furnished.** False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 552a(i)(3).

Public reporting burden for this collection of information is estimated to average 0.50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Suggestions for reducing this burden may be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, Public Use Reports Project (1103-0016), Washington, DC 20503.

Full Name of Requester ¹

[Redacted]

b6

Citizenship Status ²

a citizen of the United States

Social Security Number ³

[Redacted]

Current Address

[Redacted]

Date of Birth

[Redacted]

Place of Birth

[Redacted]

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

Signature ⁴

[Redacted]

Date *8-21-2011*

OPTIONAL: Authorization to Release Information to Another Person

This form is also to be completed by a requester who is authorizing information relating to himself or herself to be released to another person.

Further, pursuant to 5 U.S.C. Section 552a(b), I authorize

[Redacted]

and all information relating to me to:

b6

Print or Type Name

¹ Name of individual who is the subject of the record(s) sought.

² Individual submitting a request under the Privacy Act of 1974 must be either "a citizen of the United States or an alien lawfully admitted for permanent residence," pursuant to 5 U.S.C. Section 552a(a)(2). Requests will be processed as Freedom of Information Act requests pursuant to 5 U.S.C. Section 552, rather than Privacy Act requests, for individuals who are not United States citizens or aliens lawfully admitted for permanent residence.

³ Providing your social security number is voluntary. You are asked to provide your social security number only to facilitate the identification of records relating to you. Without your social security number, the Department may be unable to locate any or all records pertaining to you.

⁴ Signature of individual who is the subject of the record sought.

09/08/11

Freedom of Information and Privacy Acts request for information on a living person: [redacted]

b6

To: Federal Bureau of Investigation
Record/Information Dissemination Section

This letter constitutes a formal request under the U.S. Freedom of Information and Privacy Acts (5 U.S.C. §552/552a) and the regulations promulgated thereunder. Please analyze the requested material under both 5 U.S.C. §552 and 5 U.S.C. §552a in order to produce the maximum number of results.

REQUESTER INFORMATION:

[redacted]

b6

Information Sought:

I request disclosure of any and all records that were prepared, received, transmitted, collected and/or maintained by the FBI, the National Joint Terrorism Task Force, or any Joint Terrorism Task Force relating or referring to the living person [redacted]

b6

Date of Birth: [redacted]

Place of Birth: [redacted]

Current address: [redacted]

I have previously submitted a **Privacy Waiver/Certification of Identity** for [redacted]
[redacted] Please refer any questions on this point to FBI FOIPA Public Liaison Officer, Dennis J. Argall.

b6

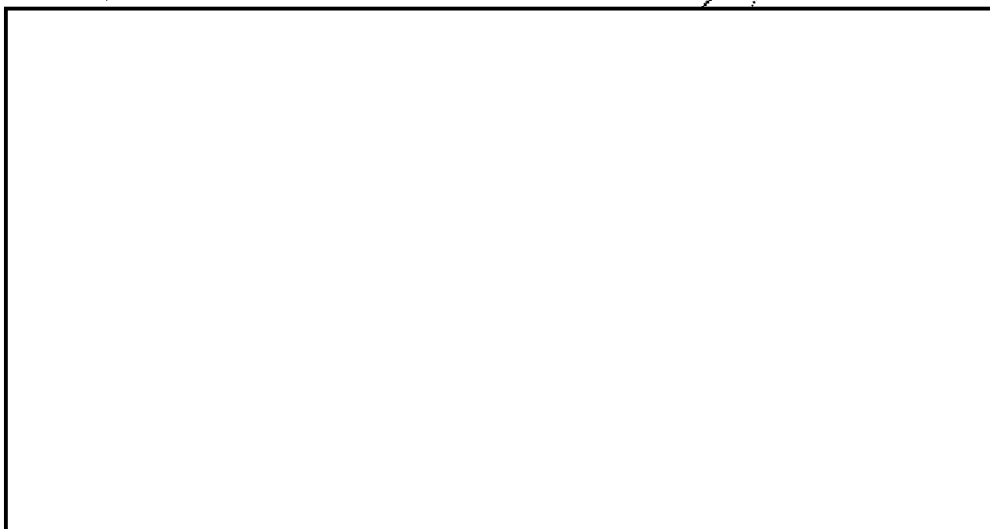
Additional Background Information:

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Additional Request Components:

For extensive additional important information pertaining to this request, including 1) My request for FBI Headquarters, field office, and task force searches, 2) My request for main file and cross-reference searches, 3) My request for ELSUR, MISUR, and FISUR searches, 4) My request for electronic and paper searches, 5) My request for additional filing systems, indices, and locations searches, 6) My request for "tickler" searches, 7) My request for unredacted additional included references, 8) My request for the FOIA search slip generated as a result of this request, 9) My requests and instructions regarding exemptions, 10) My request for release of the requested materials on digital media, 11) My additional requests regarding processing of this request, 12) And my request for a full waiver of search and duplication fees, please see the *cover letter* attached to and associated with this present request.

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



b6

09/08/11

Freedom of Information and Privacy Acts request for information on a living person: [redacted]

b6

To: Federal Bureau of Investigation
Record/Information Dissemination Section

This letter constitutes a formal request under the U.S. Freedom of Information and Privacy Acts (5 U.S.C. §552/552a) and the regulations promulgated thereunder. Please analyze the requested material under both 5 U.S.C. §552 and 5 U.S.C. §552a in order to produce the maximum number of results.

REQUESTER INFORMATION:

[redacted]

b6

Information Sought:

I request disclosure of any and all records that were prepared, received, transmitted, collected and/or maintained by the FBI, the National Joint Terrorism Task Force, or any Joint Terrorism Task Force relating or referring to the living person [redacted]

b6

Date of Birth: [redacted]
Place of Birth: [redacted]
Current address: [redacted]

I have previously submitted a **Privacy Waiver/Certification of Identity** for [redacted]
[redacted] Please refer any questions on this point to FBI FOIPA Public Liaison Officer, Dennis J. Argall.

b6

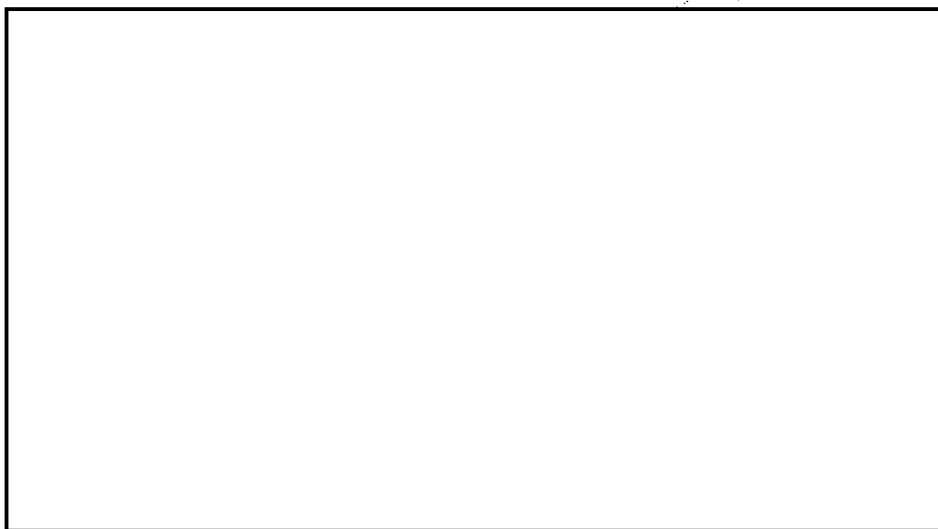
Additional Background Information:

b6

Additional Request Components:

For extensive additional important information pertaining to this request, including 1) My request for FBI Headquarters, field office, and task force searches, 2) My request for main file and cross-reference searches, 3) My request for ELSUR, MISUR, and FISUR searches, 4) My request for electronic and paper searches, 5) My request for additional filing systems, indices, and locations searches, 6) My request for "tickler" searches, 7) My request for unredacted additional included references, 8) My request for the FOIA search slip generated as a result of this request, 9) My requests and instructions regarding exemptions, 10) My request for release of the requested materials on digital media, 11) My additional requests regarding processing of this request, 12) And my request for a full waiver of search and duplication fees, please see the *cover letter* attached to and associated with this present request.

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



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09/08/11

Freedom of Information and Privacy Acts request for information on a living person: [redacted]

b6

To: Federal Bureau of Investigation
Record/Information Dissemination Section

This letter constitutes a formal request under the U.S. Freedom of Information and Privacy Acts (5 U.S.C. §552/552a) and the regulations promulgated thereunder. Please analyze the requested material under both 5 U.S.C. §552 and 5 U.S.C. §552a in order to produce the maximum number of results.

REQUESTER INFORMATION:

[redacted]

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Information Sought:

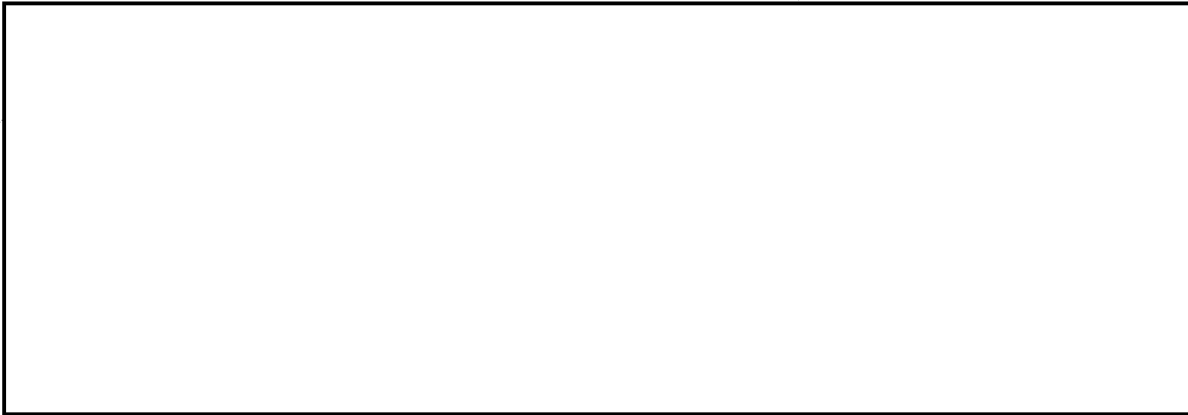
I request disclosure of any and all records that were prepared, received, transmitted, collected and/or maintained by the FBI, the National Joint Terrorism Task Force, or any Joint Terrorism Task Force relating or referring to the living person [redacted]

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Date of Birth: [redacted]
Place of Birth: [redacted]
Current address: [redacted]

I have previously submitted a **Privacy Waiver/Certification of Identity** for [redacted] Please refer any questions on this point to FBI FOIPA Public Liaison Officer, Dennis J. Argall.

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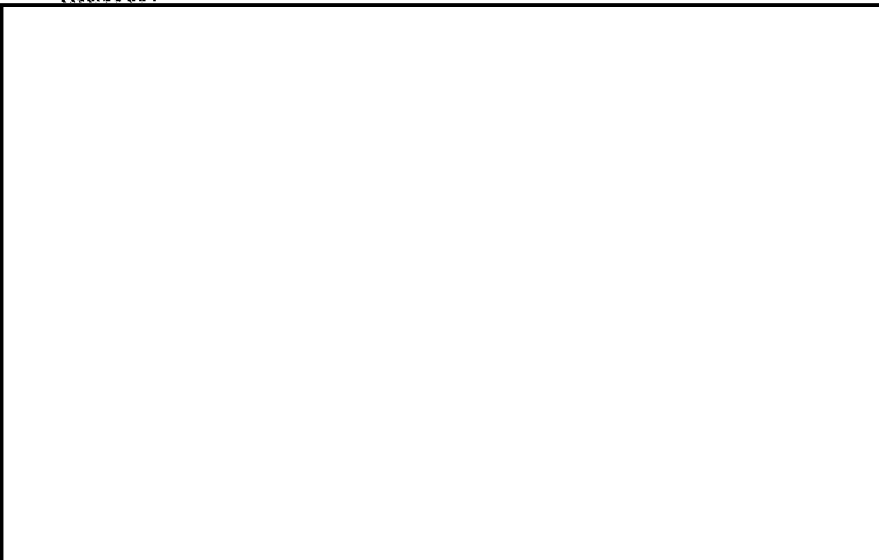
Additional Background Information:

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Additional Request Components:

For extensive additional important information pertaining to this request, including 1) My request for FBI Headquarters, field office, and task force searches, 2) My request for main file and cross-reference searches, 3) My request for ELSUR, MISUR, and FISUR searches, 4) My request for electronic and paper searches, 5) My request for additional filing systems, indices, and locations searches, 6) My request for "tickler" searches, 7) My request for unredacted additional included references, 8) My request for the FOIA search slip generated as a result of this request, 9) My requests and instructions regarding exemptions, 10) My request for release of the requested materials on digital media, 11) My additional requests regarding processing of this request, 12) And my request for a full waiver of search and duplication fees, please see the *cover letter* attached to and associated with this present request.

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



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Certification of Identity



FORM APPROVED OMB NO. 1103-0016
EXPIRES 10/31/13

Privacy Act Statement. In accordance with 28 CFR Section 16.41(d) personal data sufficient to identify the individuals submitting requests by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required. The purpose of this solicitation is to ensure that the records of individuals who are the subject of U.S. Department of Justice systems of records are not wrongfully disclosed by the Department. Requests will not be processed if this information is not furnished. False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 552a(i)(3).

Public reporting burden for this collection of information is estimated to average 0.50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Suggestions for reducing this burden may be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, Public Use Reports Project (1103-0016), Washington, DC 20503.

Full Name of Requester ¹

Citizenship Status ² CITIZEN OF U.S. Social Security Number

Current Address

Date of Birth Place of Birth

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above, and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or imprisonment for not more than 5 years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$5,000.

Signature ⁴ Date 8/30/2011

OPTIONAL: _____ to Another Person

This form is also to be completed by a requester who is authorizing information relating to himself or herself to be released to another person.

Further, pursuant to 5 U.S.C. Section 552a(b), I release any and all information relating to me to:
Print or Type Name

¹ Name of individual who is the subject of the record(s) sought.

² Individual submitting a request under the Privacy Act of 1974 must be either "a citizen of the United States or an alien lawfully admitted for permanent residence," pursuant to 5 U.S.C. Section 552a(a)(2). Requests will be processed as Freedom of Information Act requests pursuant to 5 U.S.C. Section 552, rather than Privacy Act requests, for individuals who are not United States citizens or aliens lawfully admitted for permanent residence.

³ Providing your social security number is voluntary. You are asked to provide your social security number only to facilitate the identification of records relating to you. Without your social security number, the Department may be unable to locate any or all records pertaining to you.

⁴ Signature of individual who is the subject of the record sought.

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09/08/11

Freedom of Information and Privacy Acts request for information on a living person: [redacted]

b6

To: Federal Bureau of Investigation
Record/Information Dissemination Section

This letter constitutes a formal request under the U.S. Freedom of Information and Privacy Acts (5 U.S.C. §552/552a) and the regulations promulgated thereunder. Please analyze the requested material under both 5 U.S.C. §552 and 5 U.S.C. §552a in order to produce the maximum number of results.

REQUESTER INFORMATION:

[redacted]

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Information Sought:

I request disclosure of any and all records that were prepared, received, transmitted, collected and/or maintained by the FBI, the National Joint Terrorism Task Force, or any Joint Terrorism Task Force relating or referring to the living person [redacted]

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Date of Birth [redacted]

Place of Birth [redacted]

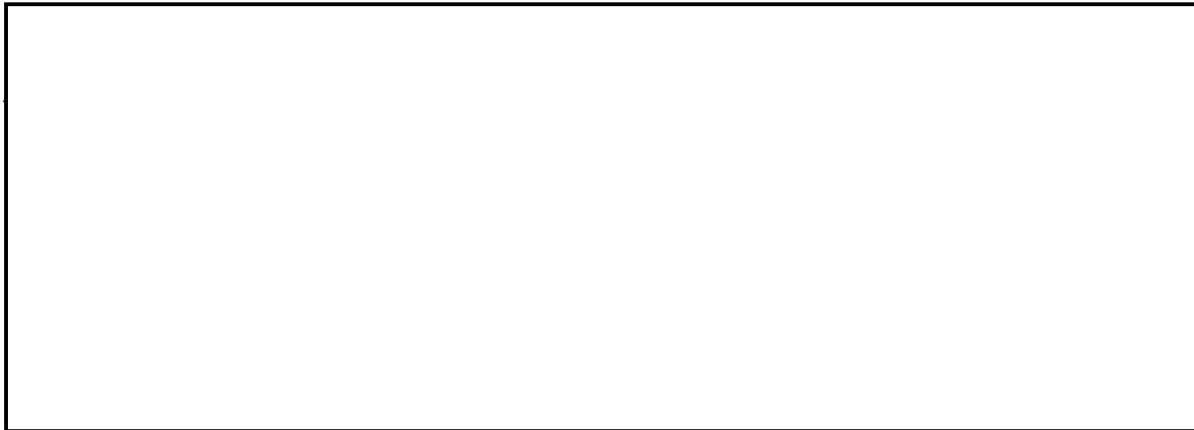
Current address: [redacted]

Social Security # [redacted]

Attached please find a signed **Privacy Waiver/Certification of Identity** for [redacted]

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Please alert FBI FOIPA Public Liaison Officer, Dennis J. Argall, as to the arrival of [redacted] waiver for inclusion in the Master Subject Index established for my FOIPA requests.

Additional Background Information:

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Additional Request Components:

For extensive additional important information pertaining to this request, including 1) My request for FBI Headquarters, field office, and task force searches, 2) My request for main file and cross-reference searches, 3) My request for ELSUR, MISUR, and FISUR searches, 4) My request for electronic and paper searches, 5) My request for additional filing systems, indices, and locations searches, 6) My request for "tickler" searches, 7) My request for unredacted additional included references, 8) My request for the FOIA search slip generated as a result of this request, 9) My requests and instructions regarding exemptions, 10) My request for release of the requested materials on digital media, 11) My additional requests regarding processing of this request, 12) And my request for a full waiver of search and duplication fees, please see the **cover letter** attached to and associated with this present request.

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



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09/08/11

Freedom of Information and Privacy Acts request for information on the organizations *Utah Animal Rights Coalition (UARC)* and *United Animal Rights Coalition (UARC)*.

To: Federal Bureau of Investigation
Record/Information Dissemination Section

This letter constitutes a formal request under the U.S. Freedom of Information and Privacy Acts (5 U.S.C. §552/552a) and the regulations promulgated thereunder. Please analyze the requested material under both 5 U.S.C. §552 and 5 U.S.C. §552a in order to produce the maximum number of results.

REQUESTER INFORMATION:

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Information Sought:

I request disclosure of any and all records that were prepared, received, transmitted, collected and/or maintained by the FBI, the National Joint Terrorism Task Force, or any Joint Terrorism Task Force relating or referring to the animal rights organizations *Utah Animal Rights Coalition (UARC)* and *United Animal Rights Coalition (UARC)*.

Additional Background Information:

The Utah Animal Rights Coalition (UARC) and the United Animal Rights Coalition (UARC) are both Salt Lake City-based animal rights organizations. The two organizations are closely related, share many of the same leaders and members, were both founded by both share the acronym UARC, and routinely

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functioned as a single organization. This request is for all information on both UARCs. Below references to UARC refer to both organizations.

Amongst other campaigns, UARC activists repeatedly engaged in "open rescue" campaigns in which UARC members openly stole chickens, pigs, and other animals from factory farms in order to call attention to the plight of animals in industrial agriculture. UARC members also engaged in highly publicized campaigns against the 2002 Winter Olympics in Salt Lake City in order to protest the inclusion of a rodeo in the Olympics. UARC members also routinely protested the sale of fur. UARC is also associated with the *Animal Liberation Front (ALF)*.

Leading animal rights activists closely associated with UARC include, but are not limited to

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Additional Request Components:

For extensive additional important information pertaining to this request, including 1) My request for FBI Headquarters, field office, and task force searches, 2) My request for main file and cross-reference searches, 3) My request for ELSUR, MISUR, and FISUR searches, 4) My request for electronic and paper searches, 5) My request for additional filing systems, indices, and locations searches, 6) My request for "tickler" searches, 7) My request for unredacted additional included references, 8) My request for the FOIA search slip generated as a result of this request, 9) My requests and instructions regarding exemptions, 10) My request for release of the requested materials on digital media, 11) My additional requests regarding processing of this request, 12) And my request for a full waiver of search and duplication fees, please see the **cover letter** attached to and associated with this present request.

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

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09/08/11

Freedom of Information and Privacy Acts request for information on a living person: [redacted]

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To: Federal Bureau of Investigation
Record/Information Dissemination Section

This letter constitutes a formal request under the U.S. Freedom of Information and Privacy Acts (5 U.S.C. §552/552a) and the regulations promulgated thereunder. Please analyze the requested material under both 5 U.S.C. §552 and 5 U.S.C. §552a in order to produce the maximum number of results.

REQUESTER INFORMATION:

[redacted]

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Information Sought:

I request disclosure of any and all records that were prepared, received, transmitted, collected and/or maintained by the FBI, the National Joint Terrorism Task Force, or any Joint Terrorism Task Force relating or referring to the living person [redacted]

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Date of Birth: [redacted]

Place of Birth: [redacted]

Current address: [redacted]
Social Security #: [redacted]

I have previously submitted a **Privacy Waiver/Certification of Identity** for [redacted] Please refer any questions on this point to FBI FOIPA Public Liaison Officer, Dennis J. Argall.

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Additional Background Information:

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Additional Request Components:

For extensive additional important information pertaining to this request, including 1) My request for FBI Headquarters, field office, and task force searches, 2) My request for main file and cross-reference searches, 3) My request for ELSUR, MISUR, and FISUR searches, 4) My request for electronic and paper searches, 5) My request for additional filing systems, indices, and locations searches, 6) My request for "tickler" searches, 7) My request for unredacted additional included references, 8) My request for the FOIA search slip generated as a result of this request, 9) My requests and instructions regarding exemptions, 10) My request for release of the requested materials on digital media, 11) My additional requests regarding processing of this request, 12) And my request for a full waiver of search and duplication fees, please see the *cover letter* attached to and associated with this present request.

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



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Federal Bureau of Investigation
Washington, D.C. 20535

March 9, 2016



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FOIPA Request No.: 1173558-000

Subject [Redacted]

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Dear [Redacted]

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

Section 552

Section 552a

(b)(1)

(b)(7)(A)

(d)(5)

(b)(2)

(b)(7)(B)

(j)(2)

(b)(3)

(b)(7)(C)

(k)(1)

(b)(7)(D)

(k)(2)

(b)(7)(E)

(k)(3)

(b)(7)(F)

(k)(4)

(b)(4)

(b)(8)

(k)(5)

(b)(5)

(b)(9)

(k)(6)

(b)(6)

(k)(7)

727 pages were reviewed and 330 pages are being released.

Document(s) were located which originated with, or contained information concerning, other Government Agency (ies) [OGA].

This information has been referred to the OGA(s) for review and direct response to you.

We are consulting with another agency. The FBI will correspond with you regarding this information when the consultation is completed.

In accordance with standard FBI practice and pursuant to FOIA exemption (b)(7)(E) and Privacy Act exemption (j)(2) [5 U.S.C. § 552/552a (b)(7)(E)/(j)(2)], this response neither confirms nor denies the existence of your subject's name on any watch lists.

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

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

You may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within sixty (60) days from the date of this letter in order to be considered timely. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so that it may be easily identified.

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

☑ See additional information which follows.

Sincerely,



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

Enclosure(s)

The enclosed documents represent the 1st interim release of information responsive to your Freedom of Information Act (FOIA) request.

Additionally, in review of your Freedom of Information (FOIA) Act Request, it has been determined that the responsive material has already been released to you in Shapiro v. DOJ, Civ. A. No. 12-cv-313 (D.D.C.) in FOIA Request Number 1173044, Utah Animal Rights Coalition (UARC), FOIA Request Number 1171892, [redacted] FOIA Request Number 1156759, No Compromise and FOIA Request Number 1179601, [redacted] from Tiers 2 and 3.

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Your request for a waiver of fees has been granted, and the documents are enclosed.

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

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

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

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

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

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1363980-0

Total Deleted Page(s) = 18

- Page 1 ~ Duplicate;
- Page 2 ~ Duplicate;
- Page 3 ~ Duplicate;
- Page 4 ~ Duplicate;
- Page 5 ~ Duplicate;
- Page 6 ~ Duplicate;
- Page 7 ~ Duplicate;
- Page 8 ~ Duplicate;
- Page 9 ~ Duplicate;
- Page 10 ~ Duplicate;
- Page 11 ~ Duplicate;
- Page 12 ~ Duplicate;
- Page 13 ~ Duplicate;
- Page 14 ~ Duplicate;
- Page 15 ~ Duplicate;
- Page 16 ~ Duplicate;
- Page 17 ~ Duplicate;
- Page 18 ~ Duplicate;

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FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1363980-0

Total Deleted Page(s) = 4
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FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1363980-0

Total Deleted Page(s) = 10

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FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1363980-0

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2/10/12

Freedom of Information and Privacy Acts requests

To: Federal Bureau of Investigation
Record/Information Dissemination Section

This letter is a cover letter for the fourteen here-enclosed formal requests under the U.S. Freedom of Information and Privacy Acts (5 U.S.C. §552/552a) and the regulations promulgated thereunder. 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:

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Information Sought:

The here-enclosed FOIPA requests are for any and all information relating or referring to:

-FBI San Francisco File [redacted] and San Francisco File [redacted]

-SC [redacted]

-Bufile: 100-487427, Sacramento file: 100-8101, and unknown (due to FBI redactions) Sacramento file referenced in attached document

-SF 100A-80398

-245B-47 Sub 11-347

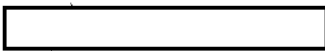
-The FBI's 22 August - 23 August 1989 "Animal Liberation Front Conference" in Marina Del Rey, CA

-The FBI's 13 March - 14 March 1989 "Animal Liberation Front" Investigative Conference in Silver Spring, MD

-The FBI's 2 March 1989 "Animal Liberation Front" Conference in Sacramento, CA

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- The FBI's search for the file referenced in attached FBI New York document and the file for which the FBI was searching
- Animal Enterprise Protection Coalition (AEPC)
- U.S. Sportsmen's Alliance (USSA) aka Wildlife Legislative Fund of America (WLFA)
- United States Surgical Corporation (USSC)
- Green is the New Red (aka GreenIsTheNewRed.com)



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Additional Information Regarding the Processing of These Requests:

All information below pertains to all fourteen here-enclosed requests.

These requests are not limited to investigations of the above-listed subjects and/or agents or representatives thereof, but also includes any communications, contacts, correspondence, meetings, information exchanges, information provision, information accessing, cooperation, interactions, and/or general awareness of the above-listed subjects by/with the FBI, the Terrorist Screening Center, the NJTTF, or any JTTF. If these subjects 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.

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

I request that a complete and thorough search for any and all records relating or referring 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.

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

I request that a search of all main file **and cross-reference** indices, filing systems, and locations be conducted for any and all records relating or referring to the subjects of my request. **That my requested cross-reference searches be conducted is not only a requirement of FOIA, it is also the position of FBI FOIPA Public Liaison Officer Dennis J. Argall. Please refer any questions on this matter to Mr. Argall.**

As opposed to the vast majority of my FOIPA requests, please **do not** limit cross-reference searches for this request to materials pertaining to animal rights/protection and environmental rights/protection matters. As noted above, if the above-listed subjects, as well as any 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. Please contact me for any clarification on this point.

Further, for both main file and cross-reference searches, my request includes, but is not limited to, documents, reports, memoranda, letters, electronic files, "See Also" files, "Do Not File" files, "Official & Confidential" files, numbered and lettered subfiles, 1A envelopes, 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; and any index citations relating to the subjects of my request or referencing the subjects of my request ("see also") in other files.

My requests also include, but are not limited to, records relating or referring to Freedom of Information and/or Privacy Act's requests submitted by, on behalf of, or about the subjects of my requests.

Lastly, as required by the relevant case law, the FBI is required to follow any leads it discovers during the conduct of its search 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.

3) Request for 190 Main Files, 197 Main files, and (-0, -2, -5) Control Files

For both main file and cross-reference searches, my requests include, but are not limited to, 190 main Files, 197 Main files, and (-0, -2, -5) Control Files.

4) Request for ELSUR, MISUR, and FISUR Searches:

For both main file and cross-reference searches, I request that a search of all electronic, microphone, and physical surveillance indices, filing systems, and locations for any and all records relating or referring to the subjects of my requests be conducted.

5) Request for Electronic and Paper/Manual Searches:

For both main file and cross-reference searches, I request that a search of all electronic and paper/manual indices, filing systems, and locations for any and all records relating or referring to the subjects of my requests be conducted.

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

For both main file and cross-reference searches, I request that searches of the FBI's "Bureau Mailing lists" records system for any and all records relating or referring to the subjects of my request be conducted.

7) Request for Additional Filing Systems, Indices, and Locations Searches

For both main file and cross-reference searches, please do not limit searches to the UNI (Universal Index), but please also search the ICM (Investigative Case Management) and ECF (Electronic Case File) indices, filing systems, and locations.

Indeed, for both main file and cross-reference searches, please search *all* of your indices, filing systems, and locations, including those I have not specified by name and those of which I may not be aware. Please interpret the scope of this request broadly.

8) Request for Ticklers:

For both main file and cross-reference searches, I request that a search for any and all "ticklers" relating or referring to the subjects of my requests be conducted.¹

9) Request for Duplicate Pages:

I request disclosure of any and all supposedly "duplicate" pages.

1) I have submitted privacy waivers or obituaries for many animal rights activists so that information about these activists can be provided to me unredacted. However, the FBI has consistently failed to provide unredacted information about individuals for whom I have submitted privacy waivers or obituaries when that information

¹ 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."

exists within files other than their own. As such, I am deeply concerned that pages responsive to this request which the FBI may consider "duplicate" are in fact not duplicate at all, as I did not receive properly unredacted information in those pages when previously released to me. Further, due to the FBI's redactions in the initial releases, I am unable to even verify that pages were improperly withheld, and therefore I am unable to determine if pages have been improperly deemed duplicative. Therefore, the only way to ensure I am receiving all responsive materials is for the FBI to release to me even those pages it considers "duplicate."

2) 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 within other files, the existence of those pages within new files renders them functionally new pages. As such, the only way to properly analyze released information is to analyze that information in its proper context. Therefore, I request disclosure of all "duplicate" pages.

10) Request for Additional Included References:

As a component of the here-enclosed requests, I request that any references to persons for whom I have previously submitted privacy waivers or obituaries contained in the here-requested releases be provided to me unredacted. A list of persons for whom I have submitted waivers or obituaries is included as an addendum at the end of this request. Please refer any questions on this point to Dennis J. Argall, FBI FOIPA Public Liaison Officer.

11) Exemptions:

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.²

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

Nevertheless, 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

² 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/>

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.

In excising material, please "black out" the material rather than "white out" or "cut out." I expect, as provided by FOIA, that the remaining non-exempt portions of 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.

12) Format:

I request that any releases stemming from the here enclosed requests be provided to me in digital format on a compact disk or other like media.

13) Additionally:

Please produce all records with administrative markings and pagination included.

Please place any "missing" files pertaining to this request on "special locate" and advise me that you have done this.

Please send a memo (copy to me) to the appropriate units in your office to assure that no records related to this request are destroyed. Please advise of any destruction of records and include the date of and authority for such destruction.

14) Payment:

I am willing to pay any reasonable expenses associated with the here enclosed requests, however, as the purpose of the requested disclosures 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.'").

Important note regarding fees:

The here-enclosed requests, along with all of my so-designated FOIPA requests, pertain to my research on the relationships between the FBI and the animal rights movement. As articulated below, all of my so-designated FOIPA requests pertain to this one project. The FBI has determined that this project qualifies for a waiver of fees. (See my FOIPA request # 1143549-000-Animal Liberation Front, as well as my FOIPA request # 1157020-Justice Department).

The FBI openly acknowledges the unity for processing/duplication fee purposes of my "animal rights" FOIPA requests. In its 3 May 2010 letter to me³, the FBI asserts that, "Based on your correspondence, we have determined that the subjects of your requests are similar in nature (animal rights), therefore you will be charged aggregate fees." And again, the FBI reiterates this point in its 24 May 2011 letter⁴ to me referencing my FOIPA request # 1161727-000 [REDACTED]. Writes the FBI, "Because your FOIA requests are similar in scope and content, they constitute a series of related requests, and you are being charged aggregate duplication fees for all of your requests." As made clear within the FOIA statute itself, this aggregation by the FBI is a declaration by the FBI that the Bureau considers all of my "animal rights" related FOIPA requests to "actually constitute a single request." 5 U.S.C. §552 (a)(6)(B)(iv).

As the FBI granted me a waiver of fees for my FOIPA request # 1143549-000-Animal Liberation Front, and as the FBI aggregated this FOIPA request with all of my other "animal rights" related FOIPA requests, the FBI must grant me a waiver of fees for all of my "animal rights" related FOIPA requests, including the here enclosed requests. It should be noted that this is the position of FBI FOIPA Public Liaison Officer, Dennis J. Argall, with whom I discussed this matter in detail on 29 June 2011. Please refer any questions on this point to Mr. Argall.

³ For the letter, please see my 7 July 2011 FOIPA request for records pertaining to [REDACTED]

⁴ For the letter again please see my 7 July 2011 FOIPA request for records pertaining to [REDACTED]

As detailed below, 1) The subject of the requested records concerns the operations of government. 2) The disclosure of the requested information is likely to significantly contribute to greater understanding of government operations. 3) The disclosure of the requested information will significantly contribute to greater public understanding of government operations. 4) I have the ability and intention to disseminate said information to the public. 5) My dissemination of the requested information will contribute significantly to expanded public understanding of government operations.

i) Disclosure of Documents Will Significantly Contribute to Public Understanding of Government operations:

The disclosure of the documents I here request is in the public interest because the information is likely to contribute significantly to public understanding of the operations or activities of government and is not primarily in my commercial interest. 28 C.F.R. § 16.11(k)(2). As stated in the legislative history, "A requester is likely to contribute significantly to public understanding if the information disclosed is new; supports public oversight of agency operations; or otherwise confirms or clarifies data on past or present operations of the government." 132 Cong. Rec. H9464 (Reps. English and Kindness). This request amply satisfies these requirements.



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The animal rights movement is a major American social and political movement that is daily engaged in heated controversies with government agencies. It is one of the most controversial and quickly growing social movements in the United States, and volumes upon volumes of new scholarly and popular literature on the animal rights movement are produced each year. Even the most cursory investigation demonstrates the tremendous general public interest, as well as scholarly interest, in the animal rights movement. A quick search for "animal rights" on Google.com yields "about 3,950,000" results. An Amazon.com "book search" for "animal rights" yields 1,512 results. And a search for "animal rights" on the scholarly article search engine JSTOR yields 4,104 results. Even the FBI's own website yields dozens upon dozens of search results for "animal rights."⁵

⁵ Searches conducted on 29 May 2010.

The FBI is the leading law enforcement and domestic counter-terrorism governmental agency in the United States. As with the animal rights movement, even the most cursory of investigations demonstrates the tremendous general public interest, as well as scholarly interest, in the operations of the FBI. A quick search for "Federal Bureau of Investigation" on Google.com yields "about 2,600,000" results. An Amazon.com "book search" for "Federal Bureau of Investigation" yields 1,480 results. And a search for "Federal Bureau of Investigation" on the scholarly article search engine JSTOR yields 4,611 results.⁶ In particular, the FBI's investigations of, and at times campaigns against, American social justice and advocacy organizations remain among the most controversial of FBI and domestic U.S. governmental operations.⁷

As my research demonstrates, the FBI has played a profound, shifting, and deeply controversial role in the evolution of the animal rights movement and its efforts to protect animals. Relatedly, and as discussed in part below, the animal rights movement has played a profound, shifting, and deeply controversial role in the evolution of the FBI's understanding of its own mission. Further, the often hidden intersections of the animal rights movement and FBI operations have played profound, shifting, and again deeply controversial roles in defining the meanings and limits of "terrorism," "national security," and "free speech" in the United States.

To date, almost no scholarly information, and little other information, is available to scholars or the broader public on these vital issues. Further, the little information on these matters that is currently available to scholars and the broader public is almost entirely based upon press articles, interviews with activists, and to a lesser extent, court records. Virtually none of this already minimal information builds upon the internal records of the FBI. FBI records pertaining to the Bureau's understanding and handling of the animal rights movement contain vital information on these matters that is not available through any other sources.⁸ As such, these highly controversial

⁶ Searches conducted on 9 March 2011.

⁷ This point is explored further below. However, for further evidence of the consistently controversial nature of FBI operations concerning American social justice and advocacy organizations, one need look no further than popular and scholarly attention to COINTELPRO (Counter Intelligence Program), the FBI's infamous 1950s-1970s assaults on the civil liberties of American advocacy organizations. A quick search for "COINTELPRO" on Google.com yields "about 362,000" results. An Amazon.com "book search" for "COINTELPRO" yields 111 results. And a search for "COINTELPRO" on the scholarly article search engine JSTOR yields 272 results. (Searches conducted on 9 March 2011). Further, the FBI's understanding and handling of the animal rights movement is increasingly compared to COINTELPRO. (For example, see GreenIsTheNewRed.com). My research directly examines these connections. Already, and as discussed below, FBI documents obtained by me through FOIA requests, and my analysis of these documents, have been used by an award-winning journalist to highlight the similarities between the FBI's COINTELPRO program and its current handling of the animal rights and environmental movements. See <http://www.greenisthenewred.com/blog/fbi-file-reveals-discussion-of-discrediting-animal-rights-activists-by-planting-rumors/3282/>

⁸ Scholarly analysis of FOIA-obtained FBI records is a well-accepted research methodology. 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*

topics concerning government operations, national security, and free speech are not only grossly under-examined, but the few examinations that even begin to touch upon them neglect to examine the key sources that would by far shed the most light upon the nature and evolution of the FBI's deeply consequential and controversial understanding and handling of the animal rights movement. Pursuant of correcting these vast gaps in public understanding of government operations, I have requested through the Freedom of Information Act, and will continue to request, information held by the FBI pertaining to key individuals, organizations, and events related to the FBI's role in animal use and protection conflicts from the pre-World War II period to the present. The disclosure of information held by the FBI pertaining to its understanding and handling of the subjects of the here-enclosed requests, investigations of animal rights activists and organizations, FBI conferences about animal rights activists and organizations, FBI search efforts regarding animal rights activists and organizations, leading professional opponents of the animal rights movement, a leading animal rights activist, and a leading animal rights-related website, will significantly contribute to my research into the intersections of the animal rights movement and FBI operations, and as such will significantly contribute to expanded public understanding of government operations, as well as support the public oversight of government agencies.

For extensive additional fee waiver information pertaining to the myriad public interests served by my research into the intersections of the FBI and the animal

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). And, while I am the first scholar to systematically request and analyze FBI documents pertaining to the Bureau's understanding and handling of the animal rights movement, for an example of scholarly analysis of Canadian Access to Information Act-obtained intelligence agency records pertaining to Canadian governmental suppression of animal rights activists, see Kevin Walby and Jeffrey Monaghan's "Private Eyes and Public Order: Policing and Surveillance in the Suppression of Animal Rights Activists in Canada," *Social Movement Studies* (Vol. 10, No. 1, 21-37. January 2011).

rights movement, my FOIPA request # 1170870-000 [REDACTED] Please refer any questions on this point to FBI FOIPA Public Liaison Officer, Dennis J. Argall.

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ii) Additional Information Pertaining to my Request for a Waiver of Fees:

For extensive additional fee waiver information pertaining to a) my intent and ability to disseminate analysis of the requested information, b) the non-commercial nature of my request, c) additional information on scholarly historical research and the public interest, d) additional information on journalistic research and the public interest, e) and letters of support for my research from leading historical scholars, a leading journalist, and a leading civil liberties attorney, please see my FOIPA request # 1170870-000 [REDACTED] Please refer any questions on this point to FBI FOIPA Public Liaison Officer, Dennis J. Argall.

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In summation, the disclosure of the requested information will significantly contribute to expanded public understanding of government operations and activities. I have the firm intention and ability to disseminate this significant expansion of public understanding of government operations and activities. The public interest in this significant expansion of public understanding of government operations and activities far outweighs any commercial interest of my own. Accordingly, my request for a full waiver of fees amply satisfies the rules of 28 C.F.R. § 16.11(k)(2). Legislative history and judicial authority emphatically support this determination. For these reasons, and based upon their extensive elaboration above, I request that a full waiver of search and duplication fees for my here-enclosed FOIPA requests be granted. I will appeal any denial of this request for a waiver of fees to the Department of Justice's Office of Information Policy, and to the courts if necessary.

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

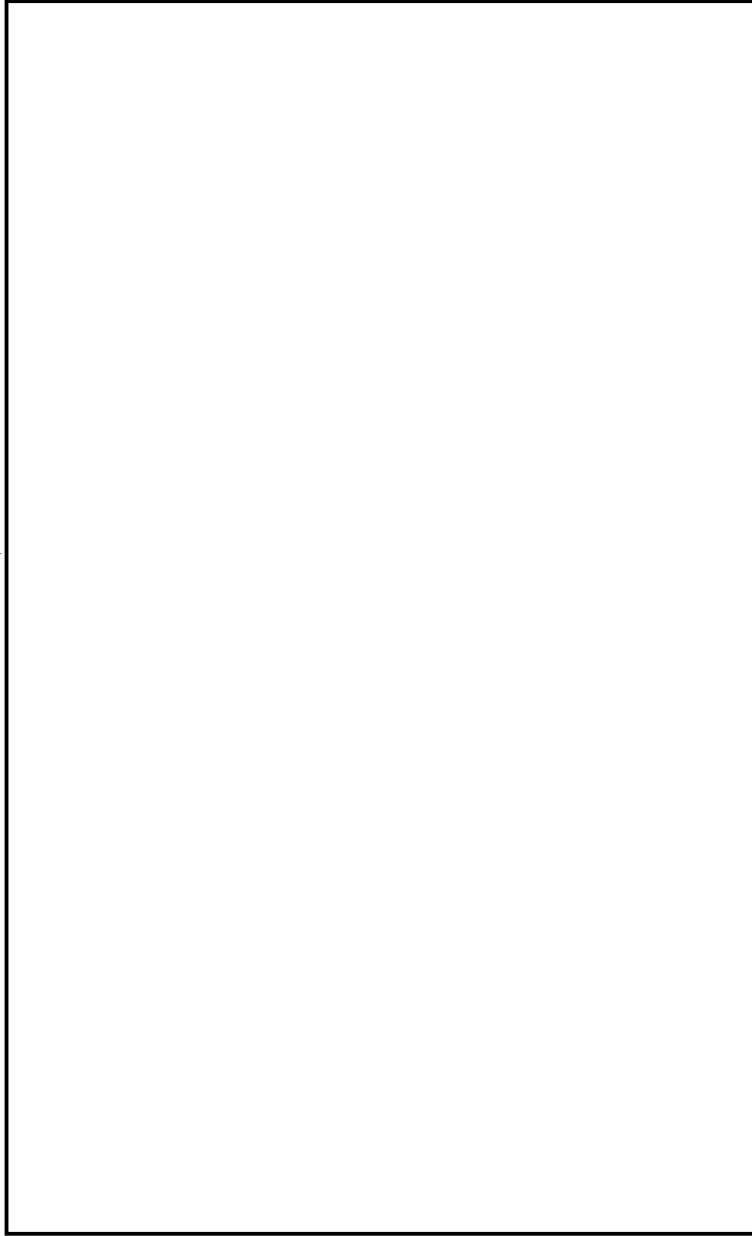
Thank you. I appreciate your time and effort.



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Addendum: Persons for whom I have submitted privacy waivers or obituaries:

-Amory, Cleveland (1917-1981)

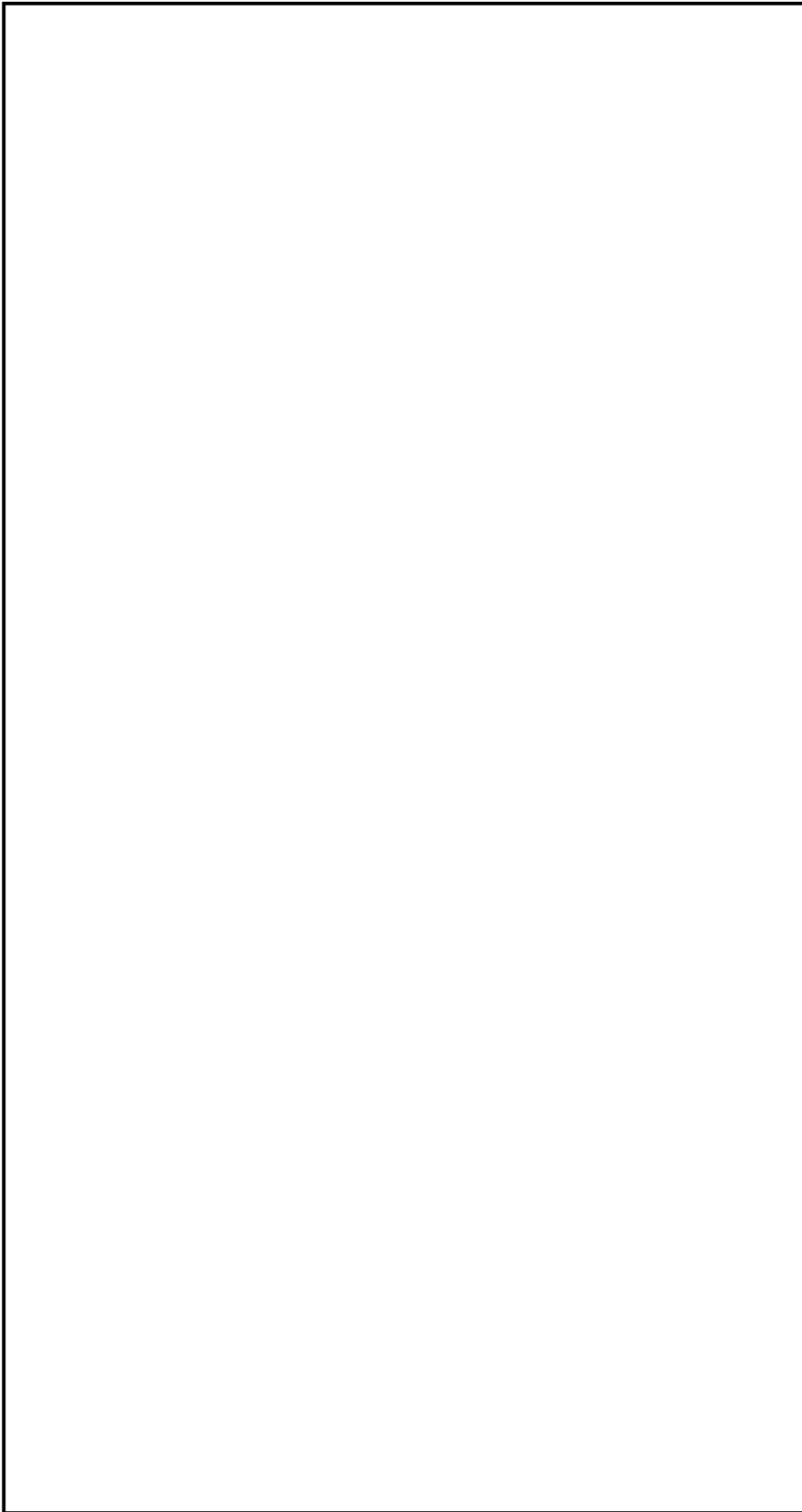


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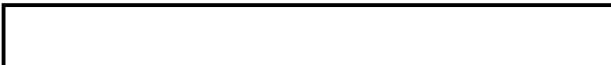
-Cate, Dexter L. (1943-1990)



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-Herrington, Alice (ca. 1919-1994)





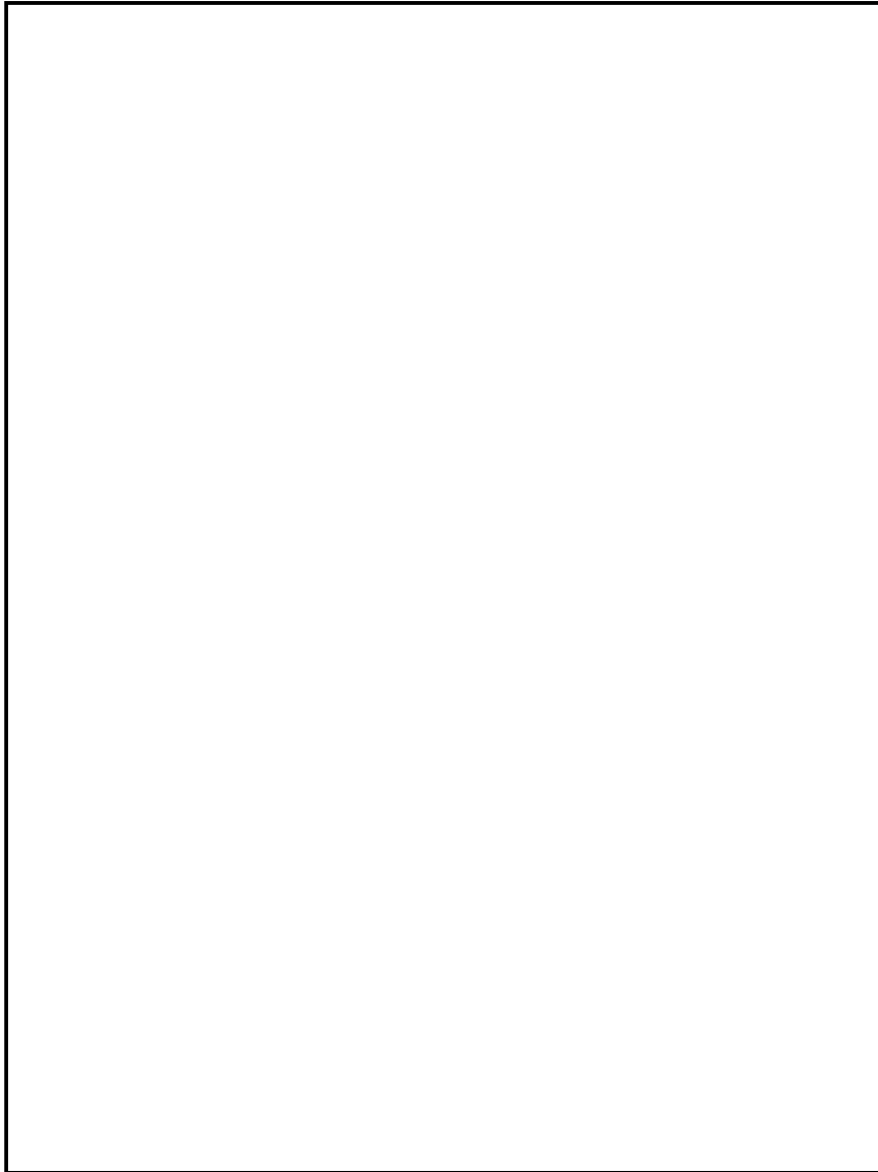
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-Hutto, Henry (1953-2003)



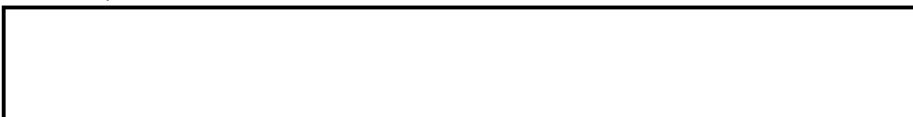
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-Jones, Helen (?-1998)



-Morgan, Richard G. Sr. (ca 1951-2008)

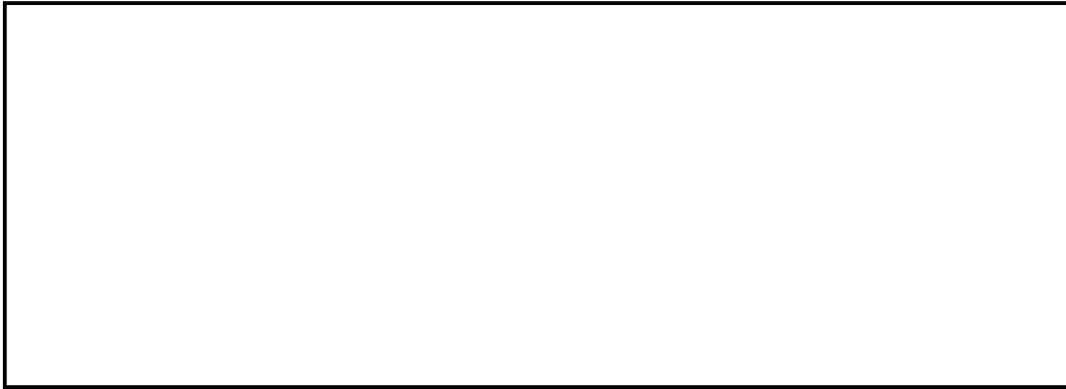
-Myers, Fred (1904-1963)



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-Seiling, Eleanor (ca. 1907-1985)



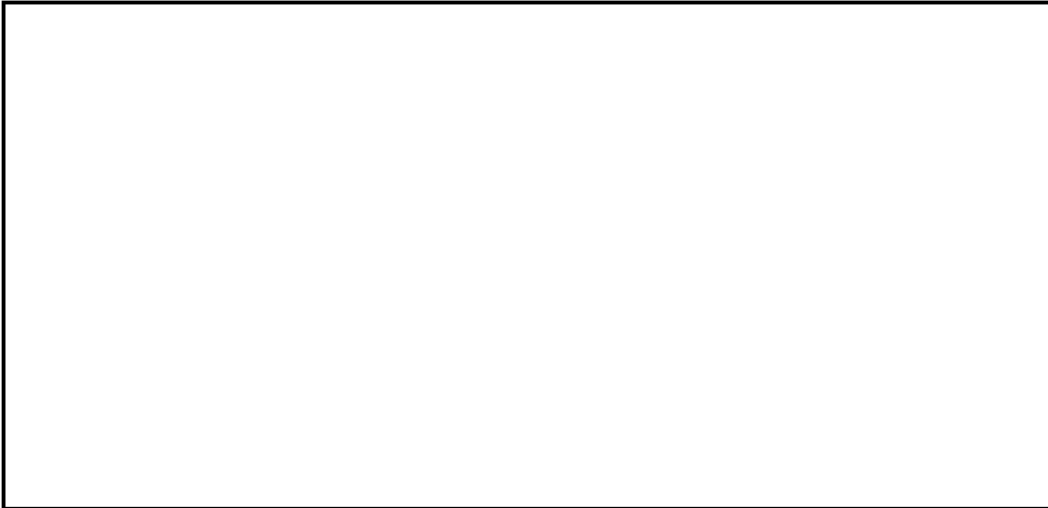
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-Spira, Henry (1927-1998)



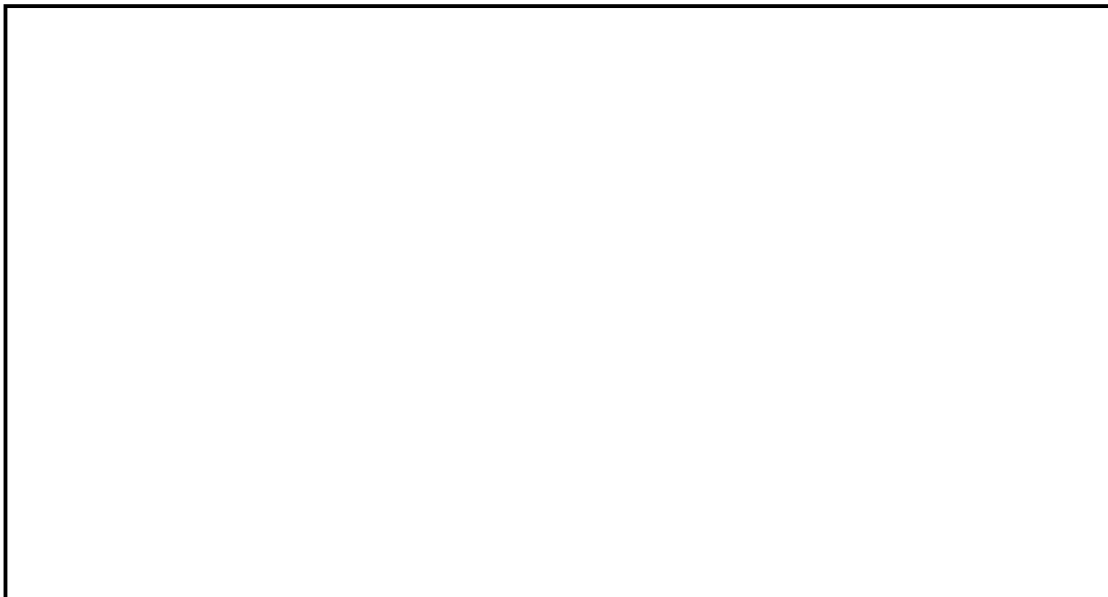
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-Stewart, Leslie (1936-2009)



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-Troen, Roger (1931-2008)



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2/10/12

Freedom of Information and Privacy Acts request: *United States Surgical Corporation (aka U.S. Surgical, aka USSC)*

To: Federal Bureau of Investigation
Record/Information Dissemination Section

This letter constitutes a formal request under the U.S. Freedom of Information and Privacy Acts (5 U.S.C. §552/552a) and the regulations promulgated thereunder. Please analyze the requested material under both 5 U.S.C. §552 and 5 U.S.C. §552a in order to produce the maximum number of results.

REQUESTER INFORMATION:

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Information 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 relating or referring to the *United States Surgical Corporation (aka U.S. Surgical, aka USSC)*.

Additional Background Information:

Founded in 1964 [redacted] USSC is a Norwalk, CT-based corporation specializing in the manufacture and sale of surgical staplers. Since 1980, USSC has been the target of intense animal rights protests due to USSC's lethal use of live dogs in the company's routine sales pitches. Since the 1980s, the FBI has been in contact with USSC and USSC personnel in relation to the FBI's investigations of the animal rights movement, including but not limited to FBI investigations of the underground

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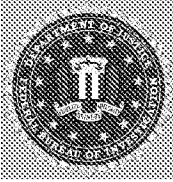
organization the Animal Liberation Front (ALF) and the mainstream organizations Friends of Animals (FOA), the Fund for Animals (FFA), and People for the Ethical Treatment of Animals (PETA).

Additional Request Components:

For extensive additional important information pertaining to this request, including 1) My request for FBI Headquarters, field office, and task force searches, 2) My request for main file and cross-reference searches, 3) My request for ELSUR, MISUR, and FISUR searches, 4) My request for electronic and paper searches, 5) My request for searches of the FBI's "Bureau Mailing Lists" records system, 6) My request for additional filing systems, indices, and locations searches, 7) My request for "tickler" searches, 8) My request for the release of supposedly "duplicate" pages, 9) My request for unredacted additional included references, 10) My requests and instructions regarding exemptions, 11) My request for release of the requested materials on digital media, 12) My additional requests regarding processing of this request, 13) And my request for a full waiver of search and duplication fees, please see the *cover letter* attached to and associated with this present request.

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





Federal Bureau of Investigation
Washington, D.C. 20535

February 9, 2015

VIA FEDERAL EXPRESS



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Shapiro v. DOJ 12-cv-313 (DDC)
FOIPA Request Nos./Subjects: TIER 1 (paper)

Dear



This is in response to your Freedom of Information Act (FOIA) requests FRIENDS OF ANIMALS (1143926-1); [redacted] (1156549); [redacted] (02/08/1990 MURDER) (1159897-2); [redacted] (1167305-1); [redacted] (1167816); FEBRUARY 21, 1990 ALERT ISSUED BY NATIONAL CRIME INFORMATION CENTER (NCIC) (1166938-1); [redacted] (1169365); PERCEPTIONS INTERNATIONAL (1171597); FOUNDATION FOR BIOMEDICAL RESEARCH (1171759); AMERICANS FOR MEDICAL PROGRESS (AMP) (1172386); [redacted] (1179996); GREEN IS THE NEW RED (AKA GREENISTHENEWRED.COM) (1182395-1); FILE NUMBER 245B-NH-47-SUB11-347 (1182475); UNITED STATES SURGICAL CORPORATION (USSC) (1182729).

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

- | Section 552 | | Section 552a |
|---|---|---------------------------------|
| <input type="checkbox"/> (b)(1) | <input checked="" type="checkbox"/> (b)(7)(A) | <input type="checkbox"/> (d)(5) |
| <input type="checkbox"/> (b)(2) | <input type="checkbox"/> (b)(7)(B) | <input type="checkbox"/> (j)(2) |
| <input checked="" type="checkbox"/> (b)(3) | <input checked="" type="checkbox"/> (b)(7)(C) | <input type="checkbox"/> (k)(1) |
| Federal Rules of Criminal Procedure, Rule 6(e); | <input checked="" type="checkbox"/> (b)(7)(D) | <input type="checkbox"/> (k)(2) |
| 18 USC 3123; 18 USC 2518; | <input checked="" type="checkbox"/> (b)(7)(E) | <input type="checkbox"/> (k)(3) |
| 31 USC 5311; 50 USC 3024(i)(1) | <input checked="" type="checkbox"/> (b)(7)(F) | <input type="checkbox"/> (k)(4) |
| <input checked="" type="checkbox"/> (b)(4) | <input type="checkbox"/> (b)(8) | <input type="checkbox"/> (k)(5) |
| <input checked="" type="checkbox"/> (b)(5) | <input type="checkbox"/> (b)(9) | <input type="checkbox"/> (k)(6) |
| <input checked="" type="checkbox"/> (b)(6) | | <input type="checkbox"/> (k)(7) |

A total of **56,581** pages were reviewed and **17,727** pages are being released in whole or in part via 37 CDs. This release is being provided at no charge.

Document(s) were located which originated with, or contained information concerning, other Government agency(ies) [OGA].

This information has been referred to the OGA(s) for review and direct response to you.

We consulted with OGA(s) and their response is enclosed.

In accordance with standard FBI practice and pursuant to FOIA exemption (b)(7)(E) and Privacy Act exemption (j)(2) [5 U.S.C. § 552/552a (b)(7)(E)/(j)(2)], this response neither confirms nor denies the existence of your subject's name on any watch lists.

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

You have the right to appeal any denials in this release. Appeals should be directed in writing to the Director, Office of Information Policy (OIP), U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's eFOIA portal at <http://www.justice.gov/oip/efoia-portal.html>. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Request Numbers assigned to your requests so that it may be easily identified.

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

See additional information which follows.

Sincerely,



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

Enclosures

cc: [redacted] (w/o encl.)
[redacted] (w/o encl.)

In response to your FOIA requests noted above, enclosed is a processed copy of the paper documents responsive for Tier 1. Media associated with Tier 1 will be released at a later date.

A search of the FBI Headquarters electronic surveillance indices (ELSUR) has been conducted, and responsive records were located for [redacted] and [redacted]. The responsive material has been processed and is enclosed. Additionally, a search of the FBI Headquarters electronic surveillance indices (ELSUR) has been conducted, and no responsive record were located for [redacted] United States Surgical Corporation, Americans for Medical Progress, Perceptions International, Friends of Animals [redacted] or Foundation for Biomedical Research, or Green is the New Red.

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A search of the FBI Headquarters Bureau Mailing Lists has been conducted and no responsive records were located for Green is the New Red and United States Surgical Corporation.

A search of the indices to our Central Records System (CRS) reflected there were additional records potentially responsive to your FOIA requests pertaining to Tier 1. We attempted to obtain this material so it could be reviewed to determine whether it was responsive to your requests; however, we were advised that the potentially responsive records were not in their expected location and could not be located after a reasonable search. Following a reasonable waiting period, another attempt was made to obtain this material. This search for the missing records also met with unsuccessful results.

Records that may be responsive to your FOIA requests pertaining to Tier 1 were transferred to the National Archives and Records Administration (NARA). You may desire to direct a request to NARA, 8601 Adelphi Road, College Park, MD 20740-6001. Please reference file numbers 100-SJ-0-Serial 7039; 100-AT-10185; 100B-MW-C22718-Serial 143; 100-SD-0-Serials 15076-10579, 15092; 100A-NH-22502-Serial 39; 31-HQ-44269; and 31-HQ-93324.

Records that may be responsive to your FOIA requests pertaining to Tier 1 were destroyed prior to receipt of your FOIA requests. Since this material could not be reviewed, it is not known if it was responsive to your requests. Record retention and disposal is carried out under the supervision of the National Archives and Records Administration (NARA), Title 44, United States Code, Section 3301 and Title 36, Code of Federal Regulations, Chapter 12, Sub-chapter B, Part 1228. The FBI Records Retention Plan and Disposition Schedules have been approved by the United States District Court for the District of Columbia and are monitored by NARA.

On October 29, 2012, the facility where records are stored suffered a catastrophic flood that temporarily prohibits access to records potentially responsive to your requests pertaining to Tier 1. Remediation, to the extent that it is possible, is ongoing for the records stored in this facility. Unfortunately, we are unable to determine if, or when, these records will be available for review.

In processing the enclosed material for Tier 1, portions of the records were determined to be "outside the scope" of your requests. This material is marked "O/S." Additionally, court records maintained under seal are not eligible for release under the Freedom of Information/Privacy Acts. This material is marked "MISCELLANEOUS-Sealed Pursuant to Court Order."

Please note that certain responsive documents pertaining to Tier 1 have already been processed and released to you in your FOIA Request on Animal Liberation Front (1143549-1, 1148916-1, 1151973-1, and 1153250-1). This material was considered duplicative and was not processed and released to you again.

For internal tracking purposes and due to the volume of material associated with select subject matters associated with Tier 1, we have assigned multiple internal FOIA numbers. Please cite the FOIPA Request Numbers noted above in all correspondence with us, so that the proper requests may be easily identified.

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

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

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

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

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Argall, Dennis J. (RMD) (FBI)

From: [REDACTED]
Sent: Monday, December 19, 2011 2:06 PM
To: FOIPA.Liaison
Cc: [REDACTED]
Subject: Missing acknowledgement letters for FOIPA requests
Attachments: 2011.12.19_No Acks_Argall_OL.docx; ATT00001..htm

b6

Dear Mr. Argall,

As per our phone conversation earlier today, attached please find a Word document containing a list of nineteen FOIPA requests I submitted to the FBI between June and September of 2011 for which I have not received acknowledgement letters. In case of any technical difficulties with the Word document, I have also copied the list below.

Included is the date I sent each request, the date USPS Delivery Confirmation indicates each request was received by the FBI, and information as to other FOIPA requests I sent under the same covers.

I look forward to hearing back from you regarding the status of these requests.

Please acknowledge receipt of this email so that I know you received it.

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

[REDACTED]

b6

[REDACTED]

12/19/11

Dear Mr. Argall,

As per our phone conversation earlier today, below please find a list of nineteen FOIPA requests I submitted to the FBI between June and September of 2011 for which I have not received acknowledgement letters.

Included is the date I sent each request, the date USPS Delivery Confirmation indicates each request was received by the FBI, and information as to other FOIPA requests I sent under the same covers.

I look forward to hearing back from you as to the status of these requests.

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

b6

[Redacted]

1)

- Mailed via Priority Mail w/ Delivery Confirmation on 6/28/11.
- Delivery Confirmation indicates request received by FBI on 6/30/11.
- Mailed in same envelope and under same cover letter as requests for:

b6

[Redacted]

-I have received acknowledgement letters for all of the above except

WPU ?

WTL

2) [Redacted]

- Mailed via Priority PM w/ Delivery Confirmation on 6/29/11.
- Delivery confirmation indicates received by FBI on 7/01/11.
- Mailed in same envelope and under same cover letter as requests for:

(WPU)
 #1169590
 OPCA 7/7/11
 on hold

[Redacted]

-I have received acknowledgement letters for all of the above except [Redacted] and

[Redacted]

3) [Redacted]

- Mailed via Priority PM w/ Delivery Confirmation on 6/29/11.
- Delivery confirmation indicates received by FBI on 7/01/11.
- Mailed in same envelope and under same cover letter as requests for:

(WPU)
 #1169588
 OPCA 7/7/11
 on hold

[Redacted]

-I have received acknowledgement letters for all of the above except [Redacted] and

[Redacted]

4) [Redacted]

- Mailed via Priority PM w/ Delivery Confirmation on 7/26/11.
- Delivery Confirmation indicates received by FBI on 7/28/11.
- Mailed in same envelope and under same cover letter as requests for:

FOIA b7
 UTL

[Redacted]

[Redacted]

[redacted] - I have received acknowledgement letters for all of the above except [redacted]

b6

5) Center for the Defense of Free Enterprise (CDFE)

- Mailed via Priority PM w/ Delivery Confirmation on 7/26/11.
- Delivery Confirmation indicates received by FBI on 7/28/11.
- Mailed in same envelope and under same cover letter as requests for:

- Americans for Medical Progress (AMP)
- Center for Consumer Freedom (CCF)
- Coalition for Animals and Animal Research (CAAR) (aka Staff and Students for Biomedical Research, aka Association for Animals and Animal Research)
- National Association for Biomedical Research (NABR)
- Foundation for Biomedical Research (FBR)
- Fur Commission USA (FCUSA)
- Fur Information Council of America (FICA)
- Guest Choice Network (GCN)
- Incurably Ill for Animal Research (IIFAR)
- National Animal Interest Alliance (NAIA)
- National Society for Medical Research (NSMR)
- Perceptions International (PI)
- Pro-Test (PT)
- Putting People First (PPF)

- I have received acknowledgement letters for all of the above except CDFE and CAAR.

b6

(WPU)
 OPCA 9-8/17/11
 request looks
 ok as still
 being worked
 #1171389

6) Coalition for Animals and Animal Research (CAAR) (aka Staff and Students for Biomedical Research, aka Association for Animals and Animal Research)

- Mailed via Priority PM w/ Delivery Confirmation on 7/26/11.
- Delivery Confirmation indicates received by FBI on 7/28/11.
- Mailed in same envelope and under same cover letter as requests for:

- Americans for Medical Progress (AMP)
- Center for Consumer Freedom (CCF)
- Center for the Defense of Free Enterprise (CDFE)
- National Association for Biomedical Research (NABR)
- Foundation for Biomedical Research (FBR)
- Fur Commission USA (FCUSA)
- Fur Information Council of America (FICA)
- Guest Choice Network (GCN)
- Incurably Ill for Animal Research (IIFAR)
- National Animal Interest Alliance (NAIA)
- National Society for Medical Research (NSMR)
- Perceptions International (PI)

b6

(WPU)
 OPCA 7-8/17/11
 still pending
 to WPU?
 #1171385

Pro-Test (PT)

Putting People First (PPF)

-I have received acknowledgement letters for all of the above except CAAR and CDFE.

7) [Redacted]

- Mailed via Priority PM w/ Delivery Confirmation on 8/5/11.
- Delivery Confirmation indicates received by FBI on 8/9/11.
- Mailed in same envelope and under same cover letter as requests for:
 - American Medical Association (AMA)
 - Animal Protection and Rescue League (APRL)

No OPCA # 1171652

(1160243-001
This is a first party request and also involve a prior release to [Redacted])

[Redacted]

-I have received acknowledgement letters for all of the above except [Redacted]

8) American Anti-Vivisection Society (AAVS)

- Mailed via Priority PM w/ Delivery Confirmation on 8/10/11.
- Delivery Confirmation indicates received by FBI on 8/12/11.
- Mailed in same envelope and under same cover letter as requests for:
 - Animal Liberation Front Supporters Group (ALFSG)
 - Animal Rights International (ARI)

No OPCA # 1144151-001 sent

[Redacted]

Fund for Animals (FFA)
Friends of Animals (FOA)

[Redacted]

Mercy for Animals (MFA)

[Redacted]

National Anti-Vivisection Society (NAVS)
New England Anti-Vivisection Society (NEAVS)

[Redacted]

b6

b6

Trans-Species Unlimited (TSU)
United Action for Animals (UAA)

-I have received acknowledgement letters for all of the above except AAVS and

[redacted]

b6

9)

[redacted]

-Mailed via Priority PM w/ Delivery Confirmation on 8/10/11.

-Delivery Confirmation indicates received by FBI on 8/12/11.

Mailed in same envelope and under same cover letter as requests for:

American Anti-Vivisection Society (AAVS)

Animal Liberation Front Supporters Group (ALFSG)

Animal Rights International (ARI)

[redacted]

Fund for Animals (FFA)

Friends of Animals (FOA)

[redacted]

Mercy for Animals (MFA)

[redacted]

National Anti-Vivisection Society (NAVS)

New England Anti-Vivisection Society (NEAVS)

[redacted]

Trans-Species Unlimited (TSU)

United Action for Animals (UAA)

-I have received acknowledgement letters for all of the above except [redacted] and AAVS.

10)

[redacted]

-Mailed via Priority PM w/ Delivery Confirmation on 8/15/11.

-Delivery Confirmation indicates received by FBI on 8/17/11.

-Mailed in same envelope and under same cover letter as requests for:

52A-SD-8371

Animal Legal Defense Fund (ALDF)

Animal Rights Alliance (ARA)

Animal Rights Coalition (ARC)

Band of Mercy (BOM)

Compassionate Action for Animals (CAA)

[redacted]

Farm Animal Revenge Militia (FARM)

Farm Freedom Fighters (FFF)

b6

(WPU)
1167308-001
No OPCA 7 sent

#1173491
OPCA 7-9/23/11

[Redacted]

March 1994 FBI "Animal Liberation Front Conference" at FBI Academy in Quantico

[Redacted]

Society for Animal Rights (SAR)

[Redacted]

True Friends (TF)

[Redacted]

-I have received acknowledgement letters for all of the above except [Redacted] and

[Redacted]

11) [Redacted]

- Mailed via Priority PM w/ Delivery Confirmation on 8/15/11.
- Delivery Confirmation indicates received by FBI on 8/17/11.
- Mailed in same envelope and under same cover letter as requests for:

- 52A-SD-8371
- Animal Legal Defense Fund (ALDF)
- Animal Rights Alliance (ARA)
- Animal Rights Coalition (ARC)
- Band of Mercy (BOM)
- Compassionate Action for Animals (CAA)

(WPL)
#117349D
OPCA 7-9/22/11

[Redacted]

- Farm Animal Revenge Militia (FARM)
- Farm Freedom Fighters (FFF)

[Redacted]

March 1994 FBI "Animal Liberation Front Conference" at FBI Academy in Quantico

[Redacted]

Society for Animal Rights (SAR)

[Redacted]

True Friends (TF)

[Redacted]

-I have received acknowledgement letters for all of the above except [redacted] and [redacted]

b6

12) Corporate Risk International (CRI)

- Mailed via Priority PM w/ Delivery Confirmation on 8/15/11.
- Delivery Confirmation indicates received by FBI on 8/17/11.
- Mailed in same envelope and under same cover letter as requests for:
 - Fur Council of Canada (FCC)
 - National Board of Fur Farm Organizations (NBFFO)
 - North Carolina Association for Biomedical Research (NCABR)
 - Pennsylvania Society for Biomedical Research (PSBR)
 - Research Animal Alliance (RAA)
 - States United for Biomedical Research (SUBR)
 - Texas Society for Biomedical Research (TSBR)
 - Washington Association for Biomedical Research (WABR)
 - Wisconsin Association for Biomedical Research & Education (WABRE)
- I have received acknowledgement letters for all of the above except CRI, FCC, and NBFFO.

b6

13) Fur Council of Canada (FCC)

- Mailed via Priority PM w/ Delivery Confirmation on 8/15/11.
- Delivery Confirmation indicates received by FBI on 8/17/11.
- Mailed in same envelope and under same cover letter as requests for:
 - Corporate Risk International (CRI)
 - National Board of Fur Farm Organizations (NBFFO)
 - North Carolina Association for Biomedical Research (NCABR)
 - Pennsylvania Society for Biomedical Research (PSBR)
 - Research Animal Alliance (RAA)
 - States United for Biomedical Research (SUBR)
 - Texas Society for Biomedical Research (TSBR)
 - Washington Association for Biomedical Research (WABR)
 - Wisconsin Association for Biomedical Research & Education (WABRE)
- I have received acknowledgement letters for all of the above except FCC, CRI, and NBFFO.

b6

14) National Board of Fur Farm Organizations (NBFFO)

- Mailed via Priority PM w/ Delivery Confirmation on 8/15/11.
- Delivery Confirmation indicates received by FBI on 8/17/11.
- Mailed in same envelope and under same cover letter as requests for:
 - Corporate Risk International (CRI)
 - Fur Council of Canada (FCC)
 - North Carolina Association for Biomedical Research (NCABR)

b6

(WPU)
[redacted]
NO OPCA 7 sent
1173499

(WPU)
[redacted]
1173512
NO OPCA 7 sent

(WPU)
[redacted]
1173514
NO OPCA 7 sent

Pennsylvania Society for Biomedical Research (PSBR)
Research Animal Alliance (RAA)
States United for Biomedical Research (SUBR)
Texas Society for Biomedical Research (TSBR)
Washington Association for Biomedical Research (WABR)
Wisconsin Association for Biomedical Research & Education (WABRE)

-I have received acknowledgement letters for all of the above except NBFFO, CRI, and FCC.

(WPU)
1173493
No OPCA 7 sent

15) [Redacted]

-Mailed via Priority PM w/ Delivery Confirmation on 8/31/11.
-Delivery Confirmation indicates received by FBI on 9/2/11.
-Mailed on its own.

b3
b6
b7E

2
from
wasnt
FOIPA 4 will
rectify

16) **Murder of Hiram Kitchen and Investigations thereof**

-Mailed via Priority PM w/ Delivery Confirmation on 9/2/11.
-Delivery Confirmation indicates received by FBI on 9/6/11.

b6

17) [Redacted]

-Mailed via Priority PM w/ Delivery Confirmation on 9/8/11.
-Delivery Confirmation indicates received by FBI on 9/12/11.
-Mailed in same envelope and under same cover letter as requests for:

b6

(WPU)
1173551
No OPCA 7

[Redacted]

North American Animal Liberation Press Office (NAALPO)

[Redacted]

Utah Animal Rights Coalition/United Animal Rights Coalition (UARC)

[Redacted]

-I have received acknowledgement letters for all of the above except [Redacted]

[Redacted]

(WPU)
1173554
No OPCA 7

18) [Redacted]

-Mailed via Priority PM w/ Delivery Confirmation on 9/8/11.
-Delivery Confirmation indicates received by FBI on 9/12/11.
-Mailed in same envelope and under same cover letter as requests for:

b6

[Redacted]

North American Animal Liberation Press Office (NAALPO)

[Redacted]

Utah Animal Rights Coalition/United Animal Rights Coalition (UARC)

[Redacted]

-I have received acknowledgement letters for all of the above except [Redacted]

[Redacted]

19)

[Redacted]

- Mailed via Priority PM w/ Delivery Confirmation on 9/8/11.
- Delivery Confirmation indicates received by FBI on 9/12/11.
- Mailed in same envelope and under same cover letter as requests for:

[Redacted]

North American Animal Liberation Press Office (NAALPO)

[Redacted]

Utah Animal Rights Coalition/United Animal Rights Coalition (UARC)

[Redacted]

-I have received acknowledgement letters for all of the above except [Redacted]

[Redacted]

(WPH)
#1173552
No OPCA 7

b6

b6

FEDERAL BUREAU OF INVESTIGATION
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12/05/11

Freedom of Information and Privacy Acts requests

To: Federal Bureau of Investigation
Record/Information Dissemination Section

This letter is a cover letter for the two here-enclosed formal requests under the U.S. Freedom of Information and Privacy Acts (5 U.S.C. §552/552a) and the regulations promulgated thereunder. 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 two requests.

REQUESTER INFORMATION:

b6

Information Sought:

The two here-enclosed FOIPA requests are for any and all information relating or referring to:

b6

Additional Information Regarding the Processing of These Requests:

The following information pertains to both here-enclosed requests:

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

I request that a complete and thorough search for any and all records relating or referring to the subjects of my request 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.

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

I request that a search of all main file **and cross-reference** indices, filing systems, and locations be conducted for any and all records relating or referring to the subjects of my request. ***That my requested cross-reference searches be conducted is not only a requirement of FOIA, it is also the position of FBI FOIPA Public Liaison Officer Dennis J. Argall. Please refer any questions on this matter to Mr. Argall.***

As opposed to the vast majority of my FOIPA requests, please **do not** limit cross-reference searches for this request to materials pertaining to animal rights/protection and environmental rights/protection matters. As noted above, if the above-listed subjects 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. Please contact me for any clarification on this point.

Further, for both main file and cross-reference searches, my request includes, but is not limited to, documents, reports, memoranda, letters, electronic files, "See Also" files, "Do Not File" files, "Official & Confidential" files, numbered and lettered subfiles, 1A envelopes, 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; and any index citations relating to the subjects of my request or referencing the subjects of my request ("see also") in other files.

3) Request for ELSUR, MISUR, and FISUR Searches:

For both main file and cross-reference searches, I request that a search of all electronic, microphone, and physical surveillance indices, filing systems, and locations for any and all records relating or referring to the subjects of my requests be conducted.

4) Request for Electronic and Paper/Manual Searches:

For both main file and cross-reference searches, I request that a search of all electronic and paper/manual indices, filing systems, and locations for any and all records relating or referring to the subjects of my requests be conducted.

5) Request for Additional Filing Systems, Indices, and Locations Searches

For both main file and cross-reference searches, please do not limit searches to the UNI (Universal Index), but please also search the ICM (Investigative Case Management) and ECF (Electronic Case File) indices, filing systems, and locations.

Indeed, for both main file and cross-reference searches, please search *all* of your indices, filing systems, and locations, including those I have not specified by name and those of which I may not be aware. Please interpret the scope of this request broadly.

6) Request for Ticklers:

For both main file and cross-reference searches, I request that a search for any and all "ticklers" relating or referring to the subjects of my requests be conducted.¹

7) Request for Duplicate Pages:

I request disclosure of any and all supposedly "duplicate" pages.

1) I have submitted privacy waivers or obituaries for many animal rights activists so that information about these activists can be provided to me unredacted. However, the FBI has consistently failed to provide unredacted information about individuals for whom I have submitted privacy waivers or obituaries when that information exists within files other than their own. As such, I am deeply concerned that pages responsive to this request which the FBI may consider "duplicate" are in fact not duplicate at all, as I did not receive properly unredacted information in those pages when previously released to me. Further, due to the FBI's redactions in the initial releases, I am unable to even verify that pages were improperly withheld, and therefore I am unable to determine if pages have been improperly deemed

¹ 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."

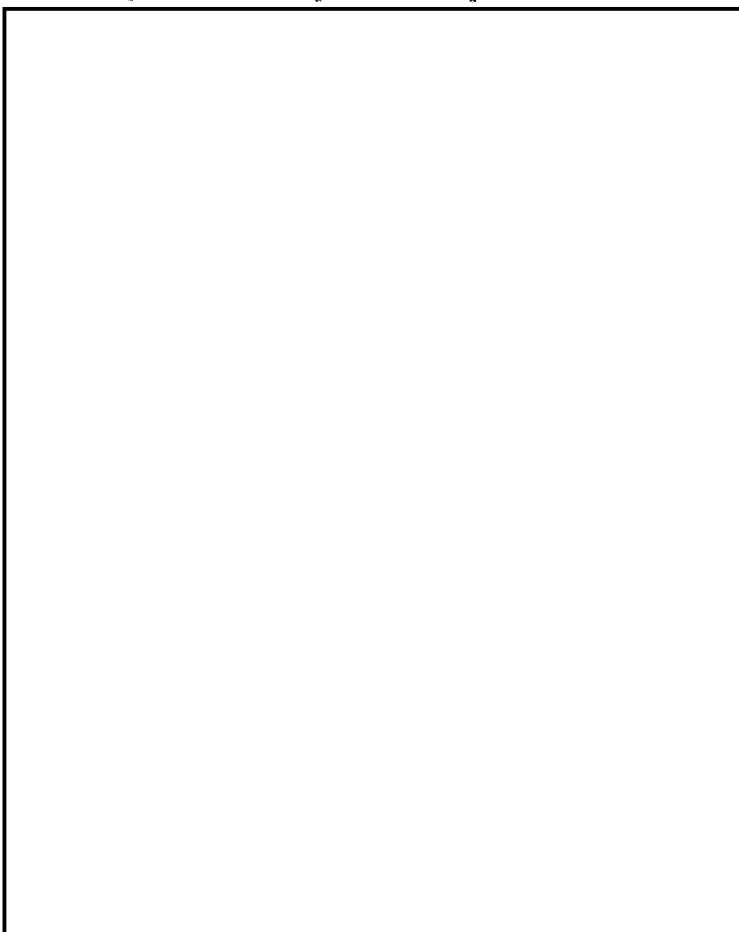
duplicative. Therefore, the only way to ensure I am receiving all responsive materials is for the FBI to release to me even those pages it considers "duplicate."

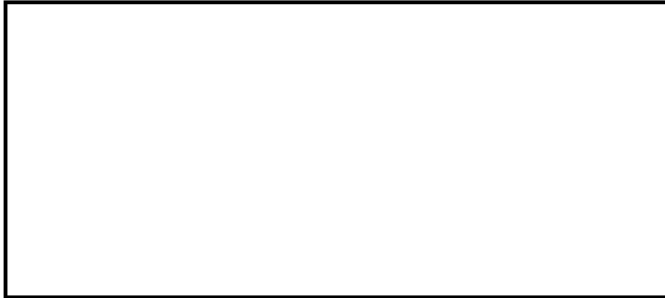
2) Scholars analyze records not only for the information available on any given page, but also for the relationships between that information and information on pages surrounding it. As such, though certain pages may have been previously released to me within other files, the existence of those pages within new files renders them functionally new pages. As such, the only way to properly analyze released information is to analyze that information in its proper context. Therefore, supposedly duplicate pages must be released to me. Thank you.

8) Request for Additional Included References:

As a component of the here-enclosed requests, I request that any references to the below living and deceased individuals contained in the here-requested releases be provided to me unredacted. These below individuals have all provided me with signed privacy waivers pursuant of this end, or I have obtained obituaries for them. I have already submitted copies of all of these privacy waivers and obituaries. Please refer any questions on this point to Dennis J. Argall, FBI FOIPA Public Liaison Officer.

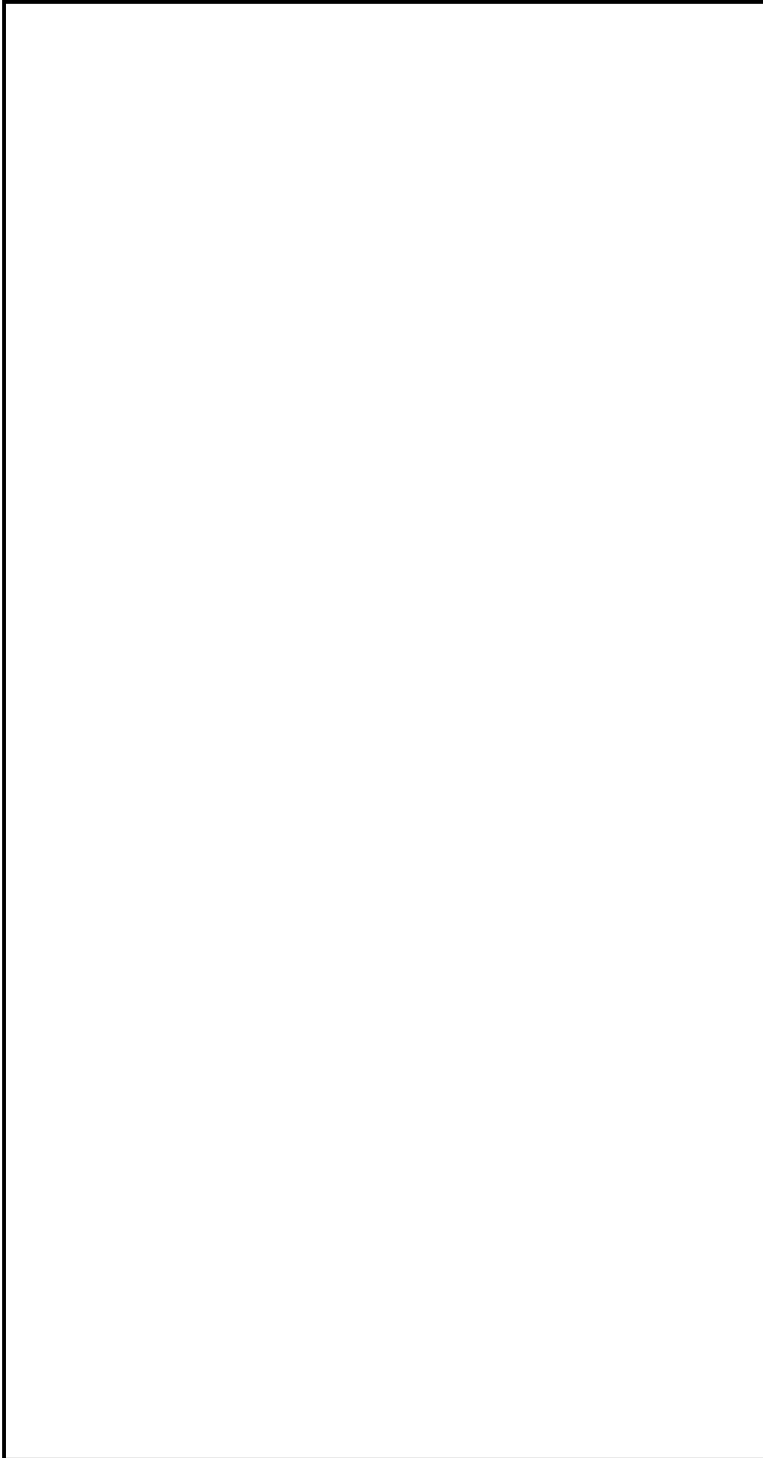
-Amory, Cleveland (1917-1981)



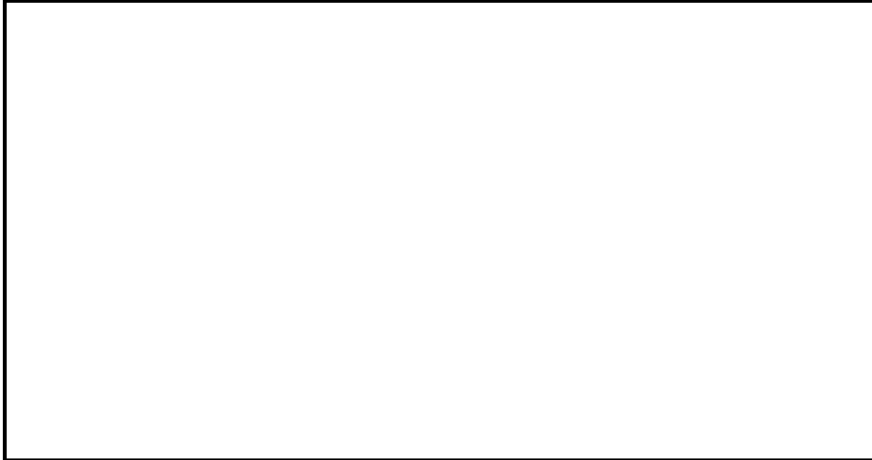


b6

-Cate, Dexter L. (1943-1990)



b6



b6

-Herrington, Alice (ca. 1919-1994)



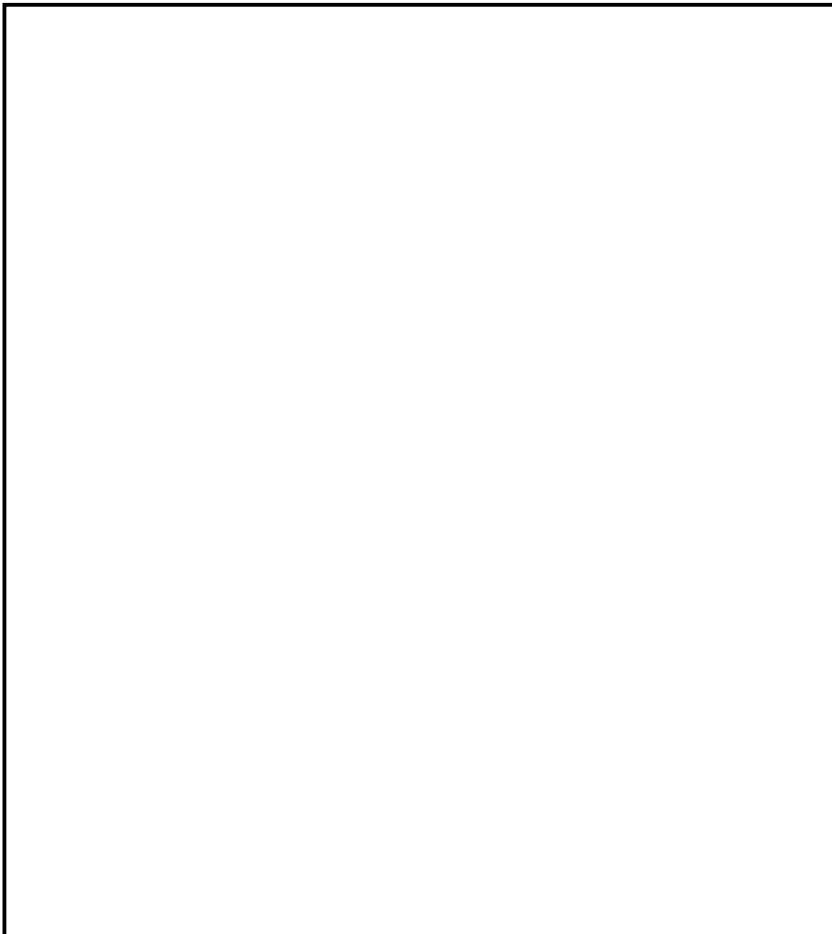
b6

-Hutto, Henry (1953-2003)



b6

-Jones, Helen (?-1998)



b6

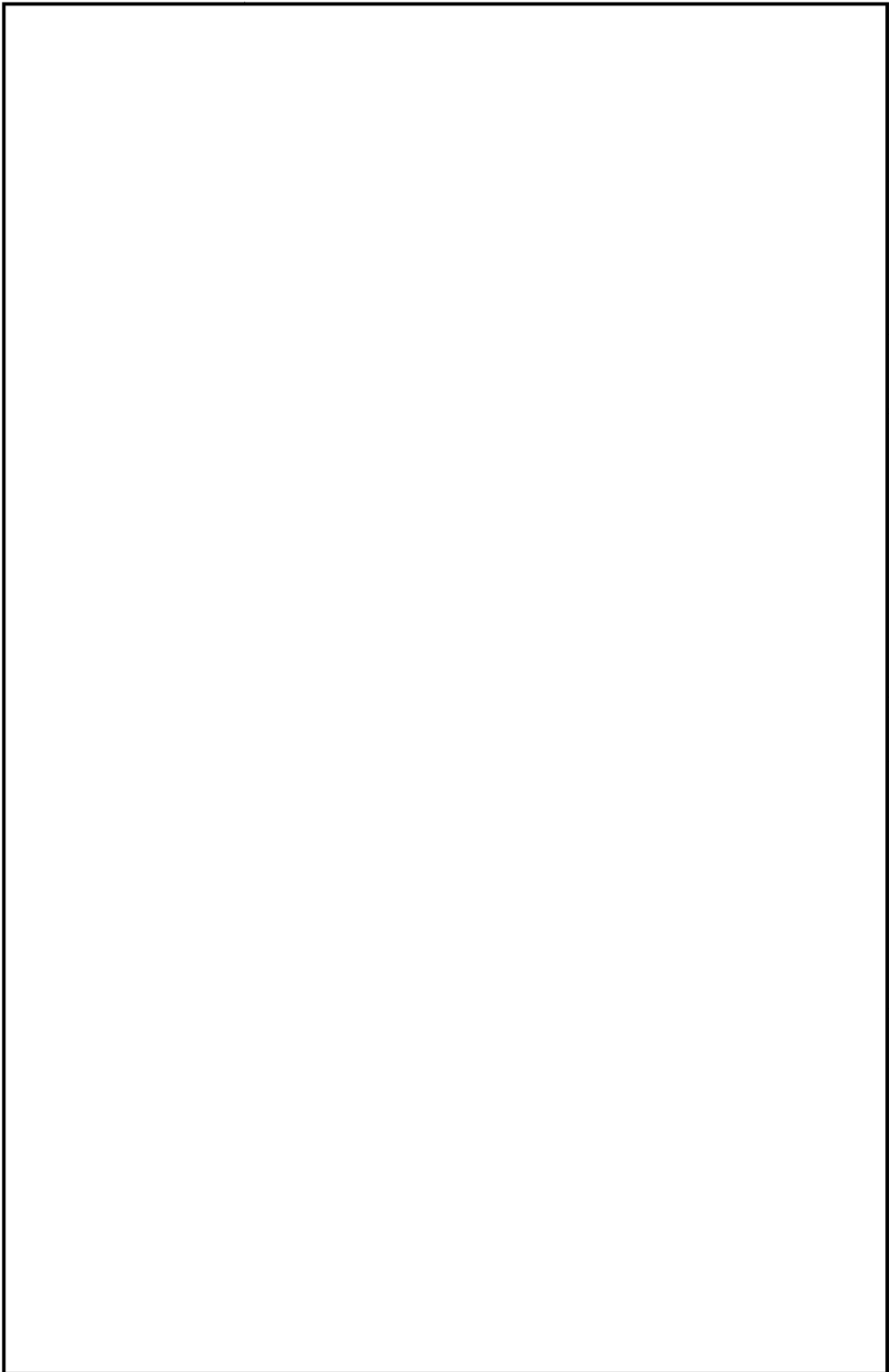


b6

-Morgan, Richard G. Sr. (ca 1951-2008)

-Myers, Fred (1904-1963)

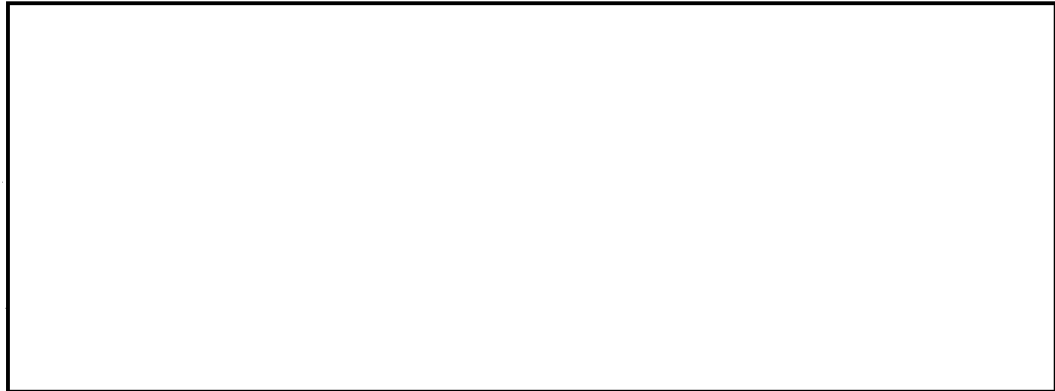
b6





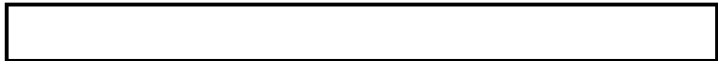
b6

-Seiling, Eleanor (ca. 1907-1985)



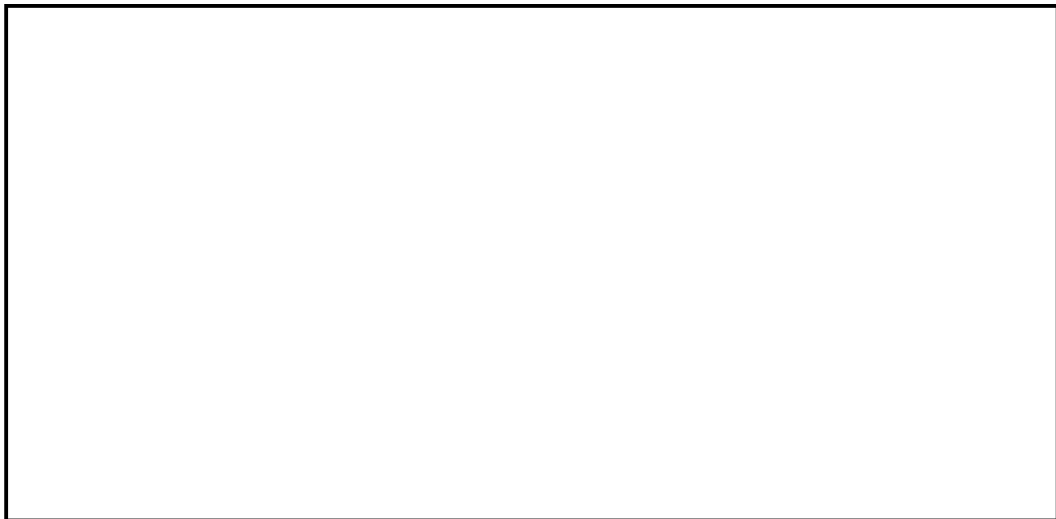
b6

-Spira, Henry (1927-1998)



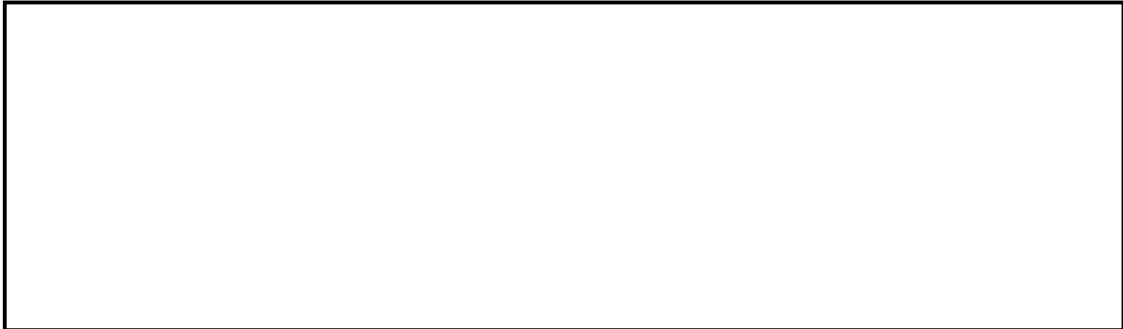
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-Stewart, Leslie (1936-2009)

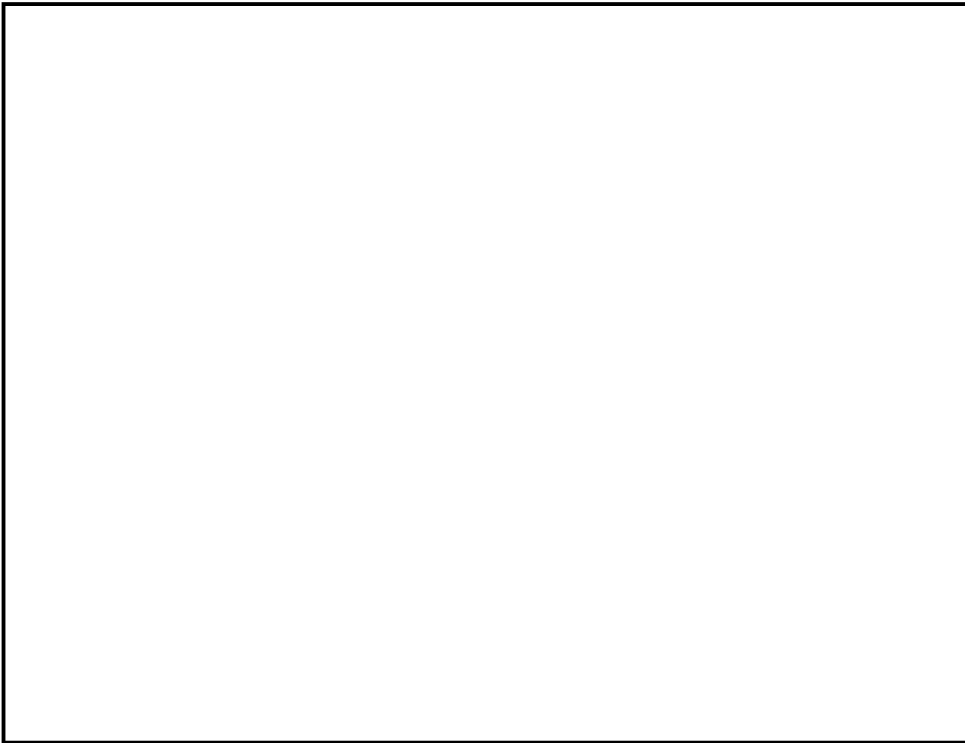


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-Troen, Roger (1931-2008)



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9) Exemptions:

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.²

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

Nevertheless, 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,

² 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/>

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.

In excising material, please "black out" the material rather than "white out" or "cut out." I expect, as provided by FOIA, that the remaining non-exempt portions of 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.

10) Format:

I request that any releases stemming from the here enclosed requests be provided to me in digital format on a compact disk or other like media.

11) Additionally:

Please produce all records with administrative markings and pagination included.

Please place any "missing" files pertaining to this request on "special locate" and advise me that you have done this.

Please send a memo (copy to me) to the appropriate units in your office to assure that no records related to this request are destroyed. Please advise of any destruction of records and include the date of and authority for such destruction.

12) Payment:

I am willing to pay any reasonable expenses associated with the here enclosed requests, however, as the purpose of the requested disclosures 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.'").

Important note regarding fees:

The here enclosed requests, along with all of my so-designated FOIPA requests, pertain to my research on the relationships between the FBI and the animal rights movement. As articulated below, all of my so-designated FOIPA requests pertain to this one project. The FBI has determined that this project qualifies for a waiver of fees. (See my FOIPA request # 1143549-000-Animal Liberation Front, as well as my FOIPA request # 1157020-Justice Department).

The FBI openly acknowledges the unity for processing/duplication fee purposes of my "animal rights" FOIPA requests. In its 3 May 2010 letter to me³, the FBI asserts that, "Based on your correspondence, we have determined that the subjects of your requests are similar in nature (animal rights), therefore you will be charged aggregate fees." And again, the FBI reiterates this point in its 24 May 2011 letter⁴ to me referencing my FOIPA request # 1161727-000 [redacted]. Writes the FBI, "Because your FOIA requests are similar in scope and content, they constitute a series of related requests, and you are being charged aggregate duplication fees for all of your requests." As made clear within the FOIA statute itself, this aggregation by the FBI is a declaration by the FBI that the Bureau considers all of my "animal rights" related FOIPA requests to "actually constitute a single request." 5 U.S.C. §552 (a)(6)(B)(iv).

As the FBI granted me a waiver of fees for my FOIPA request # 1143549-000-Animal Liberation Front, and as the FBI aggregated this FOIPA request with all of my other "animal rights" related FOIPA requests, the FBI must grant me a waiver of fees for all of my "animal rights" related FOIPA requests, including the here enclosed requests. It should be noted that this is the position of FBI FOIPA Public Liaison Officer, Dennis J. Argall, with whom I discussed this matter in detail on 29 June 2011. Please refer any questions on this point to Mr. Argall.

As detailed below, 1) The subject of the requested records concerns the operations of government. 2) The disclosure of the requested information is likely to significantly contribute to greater understanding of government operations. 3) The disclosure of the requested information will significantly contribute to greater public understanding of government operations. 4) I have the ability and intention to disseminate said information to the public. 5) My dissemination of the requested

³ For the letter, please see my 7 July 2011 FOIPA request for records pertaining to [redacted]

⁴ For the letter again please see my 7 July 2011 FOIPA request for records pertaining to [redacted]

information will contribute significantly to expanded public understanding of government operations.

i) Disclosure of Documents Will Significantly Contribute to Public Understanding of Government operations:

The disclosure of the documents I here request is in the public interest because the information is likely to contribute significantly to public understanding of the operations or activities of government and is not primarily in my commercial interest. 28 C.F.R. § 16.11(k)(2). As stated in the legislative history, "A requester is likely to contribute significantly to public understanding if the information disclosed is new; supports public oversight of agency operations; or otherwise confirms or clarifies data on past or present operations of the government." 132 Cong. Rec. H9464 (Reps. English and Kindness). This request amply satisfies these requirements.



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The animal rights movement is a major American social and political movement that is daily engaged in heated controversies with government agencies. It is one of the most controversial and quickly growing social movements in the United States, and volumes upon volumes of new scholarly and popular literature on the animal rights movement are produced each year. Even the most cursory investigation demonstrates the tremendous general public interest, as well as scholarly interest, in the animal rights movement. A quick search for "animal rights" on Google.com yields "about 3,950,000" results. An Amazon.com "book search" for "animal rights" yields 1,512 results. And a search for "animal rights" on the scholarly article search engine JSTOR yields 4,104 results. Even the FBI's own website yields dozens upon dozens of search results for "animal rights."⁵

The FBI is the leading law enforcement and domestic counter-terrorism governmental agency in the United States. As with the animal rights movement, even the most cursory of investigations demonstrates the tremendous general public interest, as well as scholarly interest, in the operations of the FBI. A quick search for "Federal Bureau of Investigation" on Google.com yields "about 2,600,000"

⁵ Searches conducted on 29 May 2010.

results. An Amazon.com "book search" for "Federal Bureau of Investigation" yields 1,480 results. And a search for "Federal Bureau of Investigation" on the scholarly article search engine JSTOR yields 4,611 results.⁶ In particular, the FBI's investigations of, and at times campaigns against, American social justice and advocacy organizations remain among the most controversial of FBI and domestic U.S. governmental operations.⁷

As my research demonstrates, the FBI has played a profound, shifting, and deeply controversial role in the evolution of the animal rights movement and its efforts to protect animals. Relatedly, and as discussed in part below, the animal rights movement has played a profound, shifting, and deeply controversial role in the evolution of the FBI's understanding of its own mission. Further, the often hidden intersections of the animal rights movement and FBI operations have played profound, shifting, and again deeply controversial roles in defining the meanings and limits of "terrorism," "national security," and "free speech" in the United States.

To date, almost no scholarly information, and little other information, is available to scholars or the broader public on these vital issues. Further, the little information on these matters that is currently available to scholars and the broader public is almost entirely based upon press articles, interviews with activists, and to a lesser extent, court records. Virtually none of this already minimal information builds upon the internal records of the FBI. FBI records pertaining to the Bureau's understanding and handling of the animal rights movement contain vital information on these matters that is not available through any other sources.⁸ As such, these highly controversial

⁶ Searches conducted on 9 March 2011.

⁷ This point is explored further below. However, for further evidence of the consistently controversial nature of FBI operations concerning American social justice and advocacy organizations, one need look no further than popular and scholarly attention to COINTELPRO (Counter Intelligence Program), the FBI's infamous 1950s-1970s assaults on the civil liberties of American advocacy organizations. A quick search for "COINTELPRO" on Google.com yields "about 362,000" results. An Amazon.com "book search" for "COINTELPRO" yields 111 results. And a search for "COINTELPRO" on the scholarly article search engine JSTOR yields 272 results. (Searches conducted on 9 March 2011). Further, the FBI's understanding and handling of the animal rights movement is increasingly compared to COINTELPRO. (For example, see GreenIsTheNewRed.com). My research directly examines these connections. Already, and as discussed below, FBI documents obtained by me through FOIA requests, and my analysis of these documents, have been used by an award-winning journalist to highlight the similarities between the FBI's COINTELPRO program and its current handling of the animal rights and environmental movements. See <http://www.greenisthenewred.com/blog/fbi-file-reveals-discussion-of-discrediting-animal-rights-activists-by-planting-rumors/3282/>

⁸ Scholarly analysis of FOIA-obtained FBI records is a well-accepted research methodology. 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*

topics concerning government operations, national security, and free speech are not only grossly under-examined, but the few examinations that even begin to touch upon them neglect to examine the key sources that would by far shed the most light upon the nature and evolution of the FBI's deeply consequential and controversial understanding and handling of the animal rights movement. Pursuant of correcting these vast gaps in public understanding of government operations, I have requested through the Freedom of Information Act, and will continue to request, information held by the FBI pertaining to key individuals, organizations, and events related to the FBI's role in animal use and protection conflicts from the pre-World War II period to the present. The disclosure of information held by the FBI pertaining to its understanding and handling of the subjects of the here-enclosed requests, leading animal rights and environmental activists, will significantly contribute to my research into the intersections of the animal rights movement and FBI operations, and as such will significantly contribute to expanded public understanding of government operations, as well as support the public oversight of government agencies.

For extensive additional fee waiver information pertaining to the myriad public interests served by my research into the intersections of the FBI and the animal rights movement, please see my 7 July 2011 FOIPA request for records pertaining to Please refer any questions on this point to FBI FOIPA Public Liaison Officer, Dennis J. Argall.

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ii) Additional Information Pertaining to my Request for a Waiver of Fees:

For extensive additional fee waiver information pertaining to a) my intent and ability to disseminate analysis of the requested information, b) the non-commercial nature of my request, c) additional information on scholarly historical research and

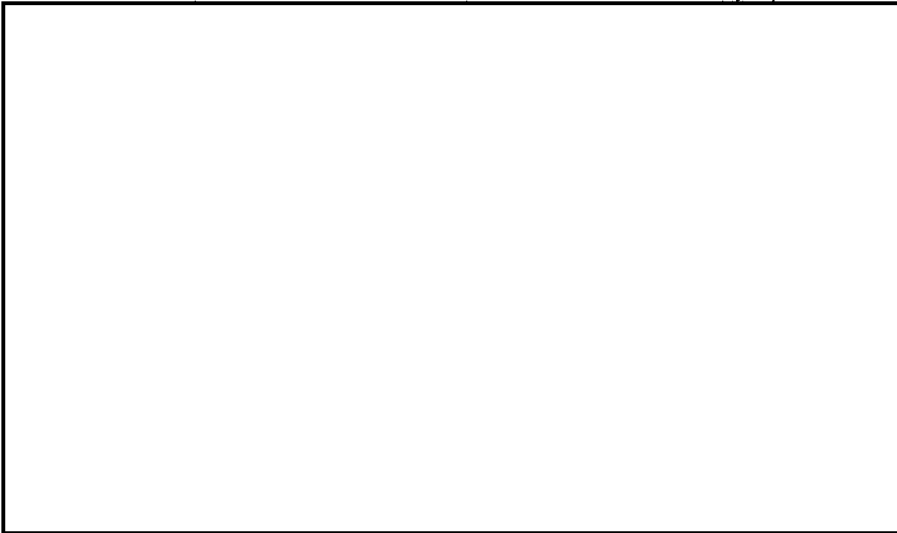
Promoted the Politics of McCarthyism in the Cold War Years (Ivan R. Dee Publishers, 2002). For an example of historical analysis of FOIA-obtained FBI documents pertaining to the FBI's efforts to marginalize the civil rights movement, see Kenneth O'Reilly's *Racial Matters: The FBI's Secret File on Black 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). And, while I am the first scholar to systematically request and analyze FBI documents pertaining to the Bureau's understanding and handling of the animal rights movement, for an example of scholarly analysis of Canadian Access to Information Act-obtained intelligence agency records pertaining to Canadian governmental suppression of animal rights activists, see Kevin Walby and Jeffrey Monaghan's "Private Eyes and Public Order: Policing and Surveillance in the Suppression of Animal Rights Activists in Canada," *Social Movement Studies* (Vol. 10, No. 1, 21-37, January 2011).

the public interest, d) additional information on journalistic research and the public interest, e) and letters of support for my research from leading historical scholars, a leading journalist, and a leading civil liberties attorney, please see my 7 July 2011 FOIPA request for records pertaining to [REDACTED]. Please refer any questions on this point to FBI FOIPA Public Liaison Officer, Dennis J. Argall.

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In summation, the disclosure of the requested information will significantly contribute to expanded public understanding of government operations and activities. I have the firm intention and ability to disseminate this significant expansion of public understanding of government operations and activities. The public interest in this significant expansion of public understanding of government operations and activities far outweighs any commercial interest of my own. Accordingly, my request for a full waiver of fees amply satisfies the rules of 28 C.F.R. § 16.11(k)(2). Legislative history and judicial authority emphatically support this determination. For these reasons, and based upon their extensive elaboration above, I request that a full waiver of search and duplication fees for my here-enclosed FOIPA requests be granted. I will appeal any denial of this request for a waiver of fees to the Department of Justice's Office of Information Policy, and to the courts if necessary.

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



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12/05/11

Freedom of Information and Privacy Acts request: [redacted]

To: Federal Bureau of Investigation
Record/Information Dissemination Section

This letter constitutes a formal request under the U.S. Freedom of Information and Privacy Acts (5 U.S.C. §552/552a) and the regulations promulgated thereunder. Please analyze the requested material under both 5 U.S.C. §552 and 5 U.S.C. §552a in order to produce the maximum number of results.

REQUESTER INFORMATION:

[redacted]

Information Sought:

I request disclosure of any and all records that were prepared, received, transmitted, collected and/or maintained by the FBI, the National Joint Terrorism Task Force, or any Joint Terrorism Task Force relating or referring to the living person [redacted]

Date of Birth: [redacted]

Place of Birth: [redacted]

Current address: [redacted]

Social Security #: [redacted]

Attached please find a **Privacy Waiver/Certification of Identity** for [redacted]. Please alert FBI FOIPA Public Liaison Officer, Dennis J. Argall, as to the arrival of [redacted] waiver for inclusion in the "Master Subject Index" of privacy waivers and obituaries established by the FBI for my FOIPA requests.

Additional Background Information:

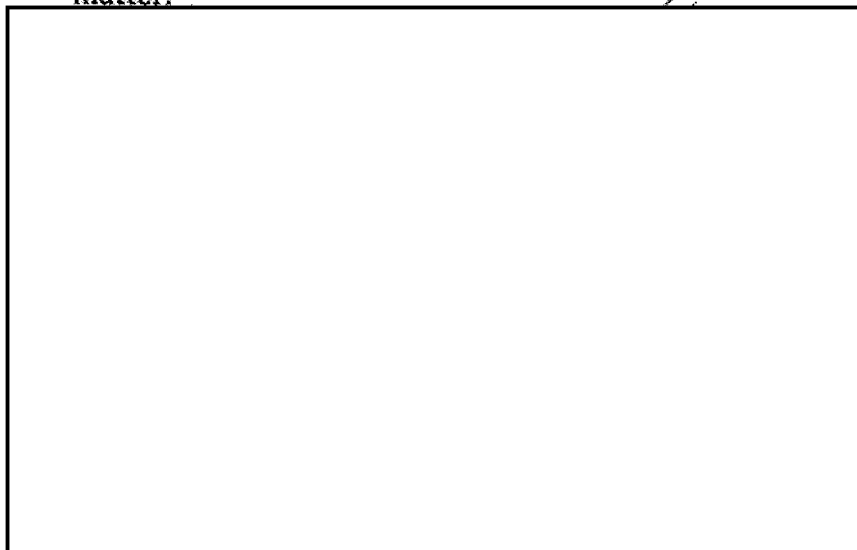


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Additional Request Components:

For extensive additional important information pertaining to this request, including 1) My request for FBI Headquarters, field office, and task force searches, 2) My request for main file and cross-reference searches, 3) My request for ELSUR, MISUR, and FISUR searches, 4) My request for electronic and paper searches, 5) My request for additional filing systems, indices, and locations searches, 6) My request for "tickler" searches, 7) My request for the release of supposedly "duplicate" pages, 8) My request for unredacted additional included references, 9) My requests and instructions regarding exemptions, 10) My request for release of the requested materials on digital media, 11) My additional requests regarding processing of this request, 12) And my request for a full waiver of search and duplication fees, please see the *cover letter* attached to and associated with this present request.

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



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Certification of Identity



FORM APPROVED OMB NO. 1103-0016
EXPIRES 10/31/13

Privacy Act Statement. In accordance with 28 CFR, Section 16.41(d), personal data sufficient to identify the individuals submitting requests by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required. The purpose of this solicitation is to ensure that the records of individuals who are the subject of U.S. Department of Justice systems of records are not wrongfully disclosed by the Department. Requests will not be processed if this information is not furnished. False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 552a(i)(3).

Public reporting burden for this collection of information is estimated to average 0.50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Suggestions for reducing this burden may be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, Public Use Reports Project (1103-0016), Washington, DC 20503.

Full Name of Requester ¹

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Citizenship Status ² US citizen Social Security Number ³

Current Address

Date of Birth Place of Birth

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above, and I understand that any falsification of this information is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or both, and that requesting or obtaining any record(s) under false pretenses is punishable by a fine of not more than \$5,000.

Signature ⁴

Date 11.30.11

OPTIONAL: Authorization to Release Information to Another Person

This form is also to be completed by a requester who is authorizing information relating to himself or herself to be released to another person.

Further, pursuant to 5 U.S.C. Section 552a(k), I authorize the U.S. Department of Justice to release any and all information relating to me to:

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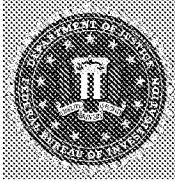
Print or type name

¹ Name of individual who is the subject of the record(s) sought.

² Individual submitting a request under the Privacy Act of 1974 must be either "a citizen of the United States or an alien lawfully admitted for permanent residence," pursuant to 5 U.S.C. Section 552a(a)(2). Requests will be processed as Freedom of Information Act requests pursuant to 5 U.S.C. Section 552, rather than Privacy Act requests, for individuals who are not United States citizens or aliens lawfully admitted for permanent residence.

³ Providing your social security number is voluntary. You are asked to provide your social security number only to facilitate the identification of records relating to you. Without your social security number, the Department may be unable to locate any or all records pertaining to you.

⁴ Signature of individual who is the subject of the record sought.



Federal Bureau of Investigation
Washington, D.C. 20535

February 4, 2016

VIA FEDERAL EXPRESS



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Shapiro v. DOJ 12-cv-313 (DDC)
FOIPA Request Nos./Subjects: TIER 3 (paper)

Dear [redacted]

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This is in response to your Freedom of Information Act (FOIA) requests [redacted] (1167308-1); [redacted] (1167538-0); [redacted] (1167894-0); [redacted] (1167949-0); [redacted] (1168146-0); [redacted] (1169999-0); [redacted] (1170449-0); [redacted] (1171428-0); SCREAMING WOLF (1178088-1); US SURGICAL CORPORATION (1182729-1); [redacted] (1171892-0); CENTER FOR CONSUMER FREEDOM (CCF) (1172382-0); NATIONAL ANIMAL INTEREST ALLIANCE (NAIA) (1173044-0); UTAH ANIMAL RIGHTS COALITION (1173555-1) [redacted] [redacted] (1179204-0); [redacted] (1179601-0).

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

- | Section 552 | | Section 552a |
|--|---|---------------------------------|
| <input checked="" type="checkbox"/> (b)(1) | <input checked="" type="checkbox"/> (b)(7)(A) | <input type="checkbox"/> (d)(5) |
| <input type="checkbox"/> (b)(2) | <input type="checkbox"/> (b)(7)(B) | <input type="checkbox"/> (j)(2) |
| <input checked="" type="checkbox"/> (b)(3) | <input checked="" type="checkbox"/> (b)(7)(C) | <input type="checkbox"/> (k)(1) |
| Federal Rules of Criminal Procedure, Rule 6(e); | <input checked="" type="checkbox"/> (b)(7)(D) | <input type="checkbox"/> (k)(2) |
| 18 USC 3123; 18 USC 2518; | <input checked="" type="checkbox"/> (b)(7)(E) | <input type="checkbox"/> (k)(3) |
| 50 USC 3024(i)(1); 10 USC 424; | <input checked="" type="checkbox"/> (b)(7)(F) | <input type="checkbox"/> (k)(4) |
| Sec 6 of the Central Intelligence Act of 1949, as amended 50 USC 3507; CIA National Security Act | | |
| <input checked="" type="checkbox"/> (b)(4) | <input type="checkbox"/> (b)(8) | <input type="checkbox"/> (k)(5) |
| <input checked="" type="checkbox"/> (b)(5) | <input type="checkbox"/> (b)(9) | <input type="checkbox"/> (k)(6) |
| <input checked="" type="checkbox"/> (b)(6) | | <input type="checkbox"/> (k)(7) |

A total of 39,125 pages were reviewed and 12,186 pages are being released in whole or in part via 15 CDs. This release is being provided at no charge.

Document(s) were located which originated with, or contained information concerning, other Government agency(ies) [OGA].

This information has been referred to the OGA(s) for review and direct response to you.

We consulted with OGA(s) and their response is enclosed.

In accordance with standard FBI practice and pursuant to FOIA exemption (b)(7)(E) and Privacy Act exemption (j)(2) [5 U.S.C. § 552/552a (b)(7)(E)/(j)(2)], this response neither confirms nor denies the existence of your subject's name on any watch lists.

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

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

You have the right to appeal any denials in this release. Appeals should be directed in writing to the Director, Office Information Policy (OIP), U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's eFOIA portal at <http://www.justice.gov/oip/efoia-portal.html>. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Request Number assigned to your request so that it may be easily identified.

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

See additional information which follows.

Sincerely,



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

Enclosures
cc: (w/o encl.)
 (w/o encl.)

In response to your FOIA requests noted above, enclosed is a processed copy of the paper documents responsive for Tier 3. Media associated with Tier 3 will be released at a later date.

A search of the indices to our Central Records System (CRS) reflected there were additional records potentially responsive to your FOIA requests pertaining to Tier 3. We attempted to obtain this material so it could be reviewed to determine whether it was responsive to your requests; however, we were advised that the potentially responsive records were not in their expected location and could not be located after a reasonable search. Following a reasonable waiting period, another attempt was made to obtain this material. This search for the missing records also met with unsuccessful results.

Records that may be responsive to your FOIA requests pertaining to Tier 3 were transferred to the National Archives and Records Administration (NARA). You may desire to direct a request to NARA, 8601 Adelphi Road, College Park, MD 20740-6001. Please reference file numbers 100-SD-0 Ser. 15413 and 100-HQ-301296.

Records that may be responsive to your FOIA requests pertaining to Tier 3 were destroyed prior to receipt of your FOIA requests. Since this material could not be reviewed, it is not known if it was responsive to your requests. Record retention and disposal is carried out under the supervision of the National Archives and Records Administration (NARA), Title 44, United States Code, Section 3301 and Title 36, Code of Federal Regulations, Chapter 12, Sub-chapter B, Part 1228. The FBI Records Retention Plan and Disposition Schedules have been approved by the United States District Court for the District of Columbia and are monitored by NARA.

On October 29, 2012, the facility where records are stored suffered a catastrophic flood that temporarily prohibits access to records potentially responsive to your requests pertaining to Tier 3. Remediation, to the extent that it is possible, is ongoing for the records stored in this facility. Unfortunately, we are unable to determine if, or when, these records will be available for review.

After careful review, the FBI concluded that approximately 118,500 pages of records responsive to your request are determined to be exempt from disclosure in their entirety pursuant to FOIA Exemption 7(A), 5 U.S.C. § 552(b)(7)(A), which protects records or information compiled for law enforcement purposes when release could reasonably be expected to interfere with enforcement proceedings.

Please note that certain responsive documents pertaining to Tier 3 have already been processed and released to you in response to your FOIA Requests on the Animal Liberation Front (1143549-1, 1148916-1, 1151973-1, 1153250-1), Compassion Over Killing (1143759-1), [REDACTED] (1161727-0), yourself (1167292-1), and [REDACTED] (1162667-0), and previously in this case, *Shapiro v. DOJ*, Civ. A. No. 12-cv-313 (D.D.C.) (i.e., your requests concerning Friends of Animals (1143926-1) [REDACTED] (1156549-0), [REDACTED] (1167816-0), [REDACTED] (1169365-0, and U.S. Surgical Corporation (1182729-0), No Compromise (1156759-0), [REDACTED] (1167840-0), [REDACTED] (1168703), [REDACTED] (1169590-0), Mercy for Animals (1173573-0), [REDACTED] (1177804-0), and Animal Defense League (1195514-0)). See Tier One and Two releases. This material was considered duplicative and was not processed and released to you again as part of Tier 3.

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For internal tracking purposes and due to the volume of material associated with select subject matters associated with Tier 3, we have assigned multiple internal FOIA numbers. Please cite the FOIPA Request Numbers noted above in all correspondence with us, so that the proper requests may be easily identified.

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

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

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

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