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November 9, 1987

Ted Moreton
Department of Justice
Civil Division, Room 3728
10th & Pennsylvania Avenues, N.W.
Washington, D.C. 20530

Re: Revised, scoped down
FOIA request of
Seth Rosenfeld

Emil P. Moschella,
Chief Freedom of Information-
Privacy Acts Section
Records Management Division
Federal Bureau of Investigation
Washington, D.C. 20535

Dear Messrs. Moreton and Moschella:

This letter concerns the FOIAPA request sent to various offices of the FBI on November 9, 1981 by my client, Seth Rosenfeld. I am writing to submit a final scoped down version of Mr. Rosenfeld's request. As I believe you are aware, that request was for records on a large number of related subjects which concern Mr. Rosenfeld's research into FBI activities in the Berkeley area and at the University of California.

Attached hereto please find Mr. Rosenfeld's list of subjects, including organizations, events, and individuals, about which he is seeking FBI records. This list constitutes his scoped down 1981 request, although in some cases Mr. Rosenfeld has added new subjects which his subsequent research has shown to be particularly pertinent to his research. As a comparison of the scoped down request with the November 1981 request demonstrates, Mr. Rosenfeld has substantially reduced the scope and parameters of his request. The numbers of subjects are drastically reduced, and in many cases, he has scaled down the number of field office files which must be searched and duplicated.

Except as set forth below, Mr. Rosenfeld requests that this scoped down request be processed in accordance with the instructions set forth in his November 1981 request letter. He also requests that the FBI award him a full waiver of duplication fees under 5 U.S.C. Section 552(a)(4)(A)(iii), and in support of that request, I hereby incorporate all of

Handwritten notes:
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the fee waiver materials which he has previously supplied to the FBI including his pleadings in Rosenfeld v. Department of Justice, C85-2247 MHP, filed in the U.S. District Court for Northern California. I also request that all records be processed in accordance with the standards set forth in David Golove's letter to [REDACTED] dated May 15, 1985, a copy of which is attached. In addition, I request that you process records responsive to this scoped down request in light of the information and lists submitted in the above-referenced litigation, concerning subjects who are deceased; who are already identified in previously released records; and who are already identified in the public domain as being FBI informants, sources and contacts.

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Furthermore, in some instances, there may be some overlap between the subjects for which records are requested here and those for which records were requested in 1977 by The Daily Californian through [REDACTED]

[REDACTED] Mr. Rosenfeld does not seek the re-release here of specific records as already actually released to The Daily Californian. However, I note that the Daily Californian sought only Headquarters files since 1960, and that the FBI released only that information which related to the "Berkeley area" and withheld other information it deemed "outside the scope" of the request. In contrast, Mr. Rosenfeld here seeks release of any and all records pertaining to his request, maintained by Headquarters and specified field offices, without these limitations. However, the FBI need not release those records, or portions thereof, that are identical to those already released to the Daily Californian. Rather, the FBI could insert or attach a slip similar to a deleted page slip that would specifically indicate which record or portion was already released.

Thus, if information that was withheld from previous releases to the Daily Californian may now be properly released in light of Mr. Rosenfeld's subsequent evidentiary submissions to the FBI, or in light of other facts, Mr. Rosenfeld requests that that additional information be processed and released to him. However, I wish to make clear that Mr. Rosenfeld is requesting only information not previously released to the Daily Californian and/or himself.

Mr. Rosenfeld seeks an expeditious processing and release of the responsive records. I would like to state, at the outset, that he intends to cooperate fully with the FBI in this matter in the hope that further litigation can be avoided. I note that the FBI assured Mr. Rosenfeld that