June 3, 2018

Donald Stone (Requester) FOIA APPEAL of :

FOIPA REQUEST NO.: 1403968-000
SUBJECT: GROTON, THOMAS, ET AL.

FOIA requester, Donald Stone appeals the FBI decision of Rejection of his FOIA request :

Any FBI investigation into the alleged "Fraud on the Court" scheme(s) by Maryland Judges Thomas Groton, Theodore Eschenburg, Charles Richard Longo Sr., Gilbert Sapperstein, Robert Warfield Sr. Bruce A. Moore, Hal P. Glick & others to sell technology invented by Donald Stone to Goodyear Tire & Rubber.

The requester, Stone is using FOIA specifically for it's intended purpose, to ferret out and prove allegations of misconduct and/or corruption at the FBI/DOJ and their alleged refusal to investigate citizen allegations of corruption by two Maryland State judges,Thomas Groton and Theodore Eschenburg and their alleged co-conspirators, Charles Richard Longo Sr. (Deceased) , Gilbert Sapperstein (Deceased), Robert Warfield Sr. (deceased), Hal P. Glick (Deceased), Bruce A. Moore and others.

Four of Judge Groton and Judge Eschenburg's alleged co-conspirators are deceased; Charles Richard Longo Sr., Gilbert Sapperstein, Robert Warfield Sr., and Hal P. Glick.

There is the principle that deceased persons are possessed of no protectible privacy interests under the FOIA; therefore, when an agency is aware of the record subject's death, either because the requester has provided proof of this fact or because it is reflected in the responsive records, neither of the FOIA's privacy exemptions may be invoked. *See, e.g., Tigar & Buffone v. United States Department of Justice*, Civil No. 80-2382, slip op. at 9-10 (D.D.C. Sept. 30, 1983); *Diamond v. FBI*, 532 F. Supp. 216, 227 (S.D.N.Y. 1981), *aff'd on other grounds*, 707 F.2d 75 (2d Cir. 1983), *cert. denied*, 465 U.S. 1004 (1984); *Rabbitt v. Department of the Air Force*, 383 F. Supp. 1065, 1070 (S.D.N.Y. 1974), *on motion for reconsideration*, 401 F. Supp. 1206, 1210 (S.D.N.Y. 1975); *see also FOIA Update*, Sept. 1982, at 5. *But see also Kiraly v. FBI*, 728 F.2d 273, 277-79 (6th Cir. 1984).

Stone is using FOIA for the very purpose Congress enacted FOIA, DOJ v. Reporters Comm. for Free Press, 489 U.S. 749 (1989) at 774 "the kind of public interest for which Congress enacted the FOIA." This "core purpose of the FOIA," as the Court termed it, (Id. at 775) is to "shed[] light on an agency's performance of its statutory duties." Id. at 773; see also O'Kane v. United States Customs Serv., 169 F.3d 1308, 1310 (11th Cir. 1999) (per curiam) (affirming that Electronic Freedom of Information Act Amendments of 1996, Pub. L. No. 104-231, 110 Stat. 3048, do not "overrule" Reporters Committee definition of "public interest"); cf. Favish, 124 S. Ct. at 1580 (reiterating the Reporters Committee "public interest" standard, and characterizing it as "a structural necessity in a real democracy" that "should not be dismissed" -- despite persistent arguments by amici in the case that Reporters Committee had been "overruled" by the Electronic FOIA amendments since 1996).

The “Public Interest” is very high concerning allegations of misconduct and/or corruption and/or alleged violations of multiple federal criminal statutes by Maryland State Judges Thomas Groton and

Theodore Eschenburg.

The “Public Interest/Importance” concerning the allegations against Maryland State judges Thomas Groton and Theodore Eschenburg and their alleged violations of the federal criminal statutes clearly outweighs their privacy interest.

If the “Public Interest” would be of great importance over the question judicial impartiality, it would certainly be applicable to the Maryland State judges Groton and Eschenburg and their alleged multiple violations of the federal criminal statutes, alleged schemes to perpetrate fraud on the U.S. Patent & Trademark office, fraud on U.S. DOJ Bankruptcy Trustee Program, allegedly helping Gilbert Sapperstein steal and launder approx. $3.5 million and their questionable judicial impartiality.

Bast v. United States Department of Justice, 665 F.2d 1251, 1255-56 (D.C. Cir. 1981) ("public importance of judicial impartiality outweighs the privacy interest" of federal judge in particular case).

* Of Special Note: A short time after 1996 the requester, Stone had written a letter to judge Groton and judge Eschenburg, asking the two judges to provide Stone with signed and exemplified court documents specific to their individual judicial work product in the sham lawsuit of Charles Richard Longo Sr. & Donald Stone Industries Inc. vs. Donald Stone. The judges requested prepayment for these services, which Stone paid.

When Stone received the signed and exemplified documents, they were signed and exemplified not by Groton or Eschenburg as Stone had requested but by a lower District court judge, Frank Lynch.

Stone returned these documents to the court and again demanded that Groton and Eschenburg sign and exemplify their own judicial work product as he originally had requested, Groton and Eschenburg refused.

This scenario repeated itself several times, Groton and Eschenburg refusing to sign and exemplify the documents as Stone had requested.

Eventually, the Honorable Chief Judge for the State of Maryland, Robert Bell intervened on behalf of Florida resident Stone and forced judge Eschenburg to sign and exemplify the documents as Stone had requested, with judge Groton, the trial judge continuing to refuse to sign or exemplify his own judicial work product in this matter.

This weighty “Public Interest” is further supported by comments made by FBI Special Agent, Patrick Bohrer in an old 2010 FBI article titled: **Public Corruption – Why It's Our #1 Criminal Priority**. **(See Attachment I EXHIBIT A)**

And from the current FBI website https://www.fbi.gov/investigate/public-corruption the excerpted comments also support a very high “Public Interest” in the type of alleged misconduct of the two Maryland State judges, Thomas Groton and Theodore Eschenburg, and their alleged associates, Charles Richard Longo Sr., Gilbert Sapperstein, Hal P. Glick, Bruce A. Moore, and Robert Warfield Sr. and certain of their associates.

https://www.fbi.gov/investigate/public-corruption (Excerpt)
Public corruption, the FBI’s top criminal investigative priority, poses a fundamental threat to our national security and way of life. It can affect everything from how well our borders are secured and

our neighborhoods protected to how verdicts are handed down in courts to how public infrastructure such as roads and schools are built. It also takes a significant toll on the public's pocketbooks by siphoning off tax dollars—it is estimated that public corruption costs the U.S. government and the public billions of dollars each year. The FBI is uniquely situated to combat corruption, with the skills and capabilities to run complex undercover operations and surveillance.

Overview

The Bureau's Public Corruption program focuses on:

- **Investigating violations of federal law by public officials at the** federal, **state**, and local **levels of government;**
- **Overseeing the nationwide investigation of allegations of fraud related to** federal government procurement, contracts, and **federally funded programs;**

* Judge Thomas Groton and Judge Theodore Eschenburg were Maryland State Circuit Court judges.

** Longo's multitude of fraudulent schemes were built around $12 million in U.S. Dept. of Education Pell grants and other student loans

*** Sapperstein's multitude of fraudulent schemes were built around approx. $3.5 million stolen from the Baltimore School Board early 1990's -2003 (possibly comprised of federal grant monies)

These documents the requester seeks would also help clarify any allegations of misconduct by the FBI that David Hardy is trying to cover-up and conceal from public disclosure.

Although the requester is an amateur at FOIA request, it would seem that Hardy (of his own volition) has taken the liberty to create a new FOIA Exemption titled, "REJECTED".

Requester also questions the credibility of David Hardy, Chief of the FBI RIDS div. or any documents he has signed, such as these rejection notices.

Hardy has a well documented history concerning his "lack of candor" when dealing with the politically powerful such as federal judges and lawyers for President Trump, so it stands to reason that Hardy would never hesitate to engage in gamesmanship or a little " Lack of Candor" when dealing with John Q Public, such as the requester Stone, that lack extensive financial and/or legal resources to extract documents sought legally and lawfully under the FOIA law . **(See Attachment I EXHIBIT B)**

This "Lack of Candor" appears to be the same type of activity that resulted in the firing of former FBI Acting Director, Andrew McCabe.

The name of an FBI special agent who was investigated by the agency for participating in a cover-up of illegal surveillance activities, as "[the public has a great interest in being enlightened about that type of malfeasance by this senior FBI official."[38] Stern, 737 F.2d at 93-4.

This FOIA request is about bringing to public disclosure bits and pieces of alleged FBI/DOJ misconduct involving a long pattern and history of a multitude of alleged nefarious schemes that the FBI/DOJ use to cover-up and conceal from public and the many victims of the criminal activities of Charles Richard Longo Sr. (deceased 2011), Gilbert Sapperstein (deceased 2016) and many of their

alleged associates beginning on or about 1990 and continuing through 2018 as the FBI/DOJ double down in their cover-up efforts to block the numerous FOIA request of Donald Stone.

Some public interest factors are properly taken into consideration and accorded great weight. For example, the courts have found the public interest in disclosure to be strong when requested information would inform the public about proven violations of public trust. See, e.g., Columbia Packing Co., Inc. v. Department of Agriculture, 563 F.2d 495, 499 (1st Cir. 1977) (federal employees found guilty of accepting bribes); Congressional News Syndicate v. Department of Justice, 438 F. Supp, 538, 544 (D.D.C. 1977) (misconduct by White House staffers). As one court has observed, there is an "obvious public interest in a full and thorough airing of . . . serious abuses that did in fact occur, in the hope that such abuses will not occur in the future." Tax Reform Research Group v. IRS, 419 F. Supp. 415, 418 (D.D.C. 1976).

Requester is also trying to determine if the FBI and/or DOJ were "pulling their punches" regarding citizen complaints about allegations of misconduct by two judges, Thomas Groton, Theodore Eschenburg and their associates because of their political connections and political status, allegedly emboldening the two judges to engage in alleged multiple "Fraud on the Court" schemes at the federal & state level.

There is evidence that the DOJ and/or FBI knew about these alleged schemes by Groton, Eschenburg, Longo, Sapperstein, and others in the DOJ notes of a meeting (possibly in Baltimore, MD.) dated Sept. 1994 discussing allegations of multiple federal felony offenses of Charles Richard Longo Sr. and certain of his associates between:

Dale Kelberman – Chief of White Collar Crimes US DOJ Maryland
Lori Simpson – Maryland US DOJ Bankruptcy Trustee lawyer
William F. Howard – Maryland Assistant Attorney General, Higher Education Commission
Mike Beck – Investigator, Maryland Higher Education Commission

Of Special note:
Another alleged "Fraud on the Court" Scheme
In early 1998 these same notes of the Sept. 1994 meeting were used to catch the following individuals lying to the court trying to white wash the alleged criminal activities of Charles Richard Longo Sr and certain of his associates as a business dispute or civil matter :

Lynne Battaglia – U.S. Attorney for Maryland
Dale Kelberman – Chief of White Collar Crimes, MD. US DOJ
Thomas E. Scott Jr. - U.S, Attorney for Southern District of Florida
Lori Simpson – lawyer, US DOJ Bankruptcy Trustee MD.
George Russell lll – Assistant U.S. Attorney DOJ MD.
Maureen Donlan - Assistant U.S. Attorney DOJ Southern District of Fla.

The allegation is that Groton & Eschenburg were conspiring with plaintiffs, Longo, Sapperstein and others to perpetrate "fraud on the court" in targeting defendant inventor Donald Stone and his potentially valuable intellectual property.

There is a very strong "Public Interest", concerning the two Maryland State judges, Thomas Groton and Theodore Eschenburg, who are two very powerful public figures that can exert nearly unlimited control over John Q public's personal freedom, personal property and/or intellectual property.

The only person more powerful than a state judge would be a federal judge.

There is no privacy interest, Judge Thomas Groton and Judge Theodore Eschenburg as judges, hold public office, which is a public trust.

There would also be a very strong “Public Interest” in knowing whether or not the top level FBI/DOJ employees were allegedly cloaking these two state judges (because of their political connections/status) with a type of immunity from prosecution for alleged violations of the federal criminal statutes and RICO statute.

Which allegedly allowed judges Groton and Eschenburg to operate their courthouse with impunity as an alleged criminal enterprise, as defined under the federal RICO statute for the unlawful enrichment of their personal acquaintances and/or political cronies.

A sampling of some of the allegations against Judge Thomas Groton and Judge Theodore Eschenburg are as follows:

MD. State Judges Groton & Eschenburg were alleged to be involved in a conspiracy with Charles Richard Longo Sr., Gilbert Sapperstein and others to perpetrate fraud on the federal entity known as the U.S. Patent & Trademark office.

MD. State Judges, Groton & Eschenburg were alleged co-conspirators in a sham judicial proceeding operating across interstate lines, targeting a Florida resident Donald Stone, alleged fraud as to jurisdiction.

Judges Groton and Eschenburg were alleged co-conspirators with Longo, Sapperstein and others in numerous “fraud on the court” schemes involving the federal bankruptcy court in MD.

Pertaining to Longo's personal bankruptcy and two bankrupt entities controlled by Longo, National Training Systems and Shippers Choice Inc.

Judges Groton and Eschenburg were alleged to be involved in helping Gilbert Sapperstein steal & launder an estimated $3.5 million from Baltimore School Board early 1990's to 2003.

A judge is an officer of the court, as well as are all attorneys. A state judge is a state judicial officer, paid by the State to act impartially and lawfully. A federal judge is a federal judicial officer, paid by the federal government to act impartially and lawfully. State and federal attorneys fall into the same general category and must meet the same requirements. *A judge is not the court.* People v. Zajic, 88 Ill.App.3d 477, 410 N.E.2d 626 (1980).

Whenever any officer of the court commits fraud during a proceeding in the court, he/she is engaged in "fraud upon the court". In Bulloch v. United States, 763 F.2d 1115, 1121 (10th Cir. 1985), the court stated "Fraud upon the court is fraud which is directed to the judicial machinery itself and is not fraud between the parties or fraudulent documents, false statements or perjury. ... It is where the court or a member is corrupted or influenced or influence is attempted or where the judge has not performed his judicial function --- thus where the impartial functions of the court have been directly corrupted."

"Fraud upon the court" has been defined by the 7th Circuit Court of Appeals to "embrace that species of

fraud which does, or attempts to, defile the court itself, or is a fraud perpetrated by officers of the court so that the judicial machinery can not perform in the usual manner its impartial task of adjudging cases that are presented for adjudication." Kenner v. C.I.R., 387 F.3d 689 (1968); 7 Moore's Federal Practice, 2d ed., p. 512, Â¶ 60.23. The 7th Circuit further stated "a decision produced by fraud upon the court is not in essence a decision at all, and never becomes final."

Excepted from:
BULLOCH v. UNITED STATES
763 F.2d 1115 (1985)

Fraud on the court (other than fraud as to jurisdiction) is fraud which is directed to the judicial machinery itself and is not fraud between the parties or fraudulent documents, false statements or perjury. It has been held that allegations of nondisclosure in pretrial discovery will not support an action for fraud on the court. H.K. Porter Co., Inc. v. Goodyear Tire & Rubber Co., 536 F.2d 1115 (6th Cir.). It is thus fraud where the court or a member is corrupted or influenced or influence is attempted or where the judge has not performed his judicial function — thus where the impartial functions of the court have been directly corrupted.

Alleged “Fraud on the Court” schemes involving Eschenburg, Groton, Longo Sr., Sapperstein and others.

1. Charles Richard Longo Sr. federal bankruptcy (personal)
2. National Training Systems federal bankruptcy – entity owned and/or controlled by Longo
3. Shippers Choice Inc. federal bankruptcy - entity owned and/or controlled by Longo
4. Charles Richard Longo Sr. & Donald Stone Industries Inc. vs. Donald Stone – MD. State Court
5. Stone vs Warfield Sr. - 1998 Southern District of FL. Federal

For these reasons and others the requester Donald Stone appeals the FBI REJECTION of his FOIA request.

Regards,
Donald Stone
Donald Stone
871 NE Dixie Hwy.
Ste. 8
Jensen Beach, FL. 34957
772 834 6175

The hi-lites in this article are those of the requester, Donald Stone.
This is an old FBI archived document from March 26, 2010

THE FBI FEDERAL BUREAU OF INVESTIGATION

Stories

ATTACHMENT 1
EXHIBIT A

Public Corruption
Why It's Our #1 Criminal Priority

03/26/10

Public corruption is a breach of trust by federal, state, or local officials—often with the help of private sector accomplices. It's also the FBI's top criminal investigative priority. To explain why the Bureau takes public corruption so seriously and how we investigate, we talked with Special Agent Patrick Bohrer, assistant section chief of our Public Corruption/Civil Rights program at FBI Headquarters.

Question: Why is public corruption so high on the FBI's list of investigative priorities?
Answer: Because of its impact. Corrupt public officials undermine our country's national security, our overall safety, the public trust, and confidence in the U.S. government, wasting billions of dollars along the way. This corruption can tarnish virtually every aspect of society. For example, a border official might take a bribe, knowingly or unknowingly letting in a truck containing weapons of mass destruction. Or corrupt state legislators could cast deciding votes on a bill providing funding or other benefits to a company for the wrong reasons. Or at the local level, a building inspector might be paid to overlook some bad wiring, which could cause a deadly fire down the road.

Special Agent Patrick Bohrer

Q: Can you describe the kinds of public corruption that the FBI investigates?
A: It really runs the gamut. Bribery is the most common. But there's also extortion, embezzlement, racketeering, kickbacks, and money laundering, as well as wire, mail, bank, and tax fraud. Right now, based on our intelligence on emerging trends, we are focused specifically on several major issues: corruption along our national borders; corrupt officials who take advantage of natural disasters or economic crises to divert some of the government's aid into their own pockets; and a myriad of officials who may personally benefit from the economic stimulus funding.

Q: Where do you find this corruption?
A: Just about everywhere—at the federal, state, and local levels throughout the country. And I should point out, the vast majority of our country's public officials are honest and work hard to improve the lives of the American people. But a small number make decisions for the wrong reasons—usually, to line their own pockets or those of friends and family. These people can be found—and have been found—in legislatures, courts, city halls, law enforcement departments, school and zoning boards, government agencies of all kinds (including those that regulate elections and transportation), and even companies that do business with government.

Q: How does the FBI investigate public corruption?
A: We're in a unique position to investigate allegations of public corruption. Our lawful use of sophisticated investigative tools and methods—like undercover operations, court-authorized electronic

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surveillance, and informants—often gives us a front-row seat to witness the actual exchange of bribe money or a backroom handshake that seals an illegal deal...and enough evidence to send the culprits to prison. But we have plenty of help. We often work in conjunction with the inspector general offices from various federal agencies, as well as with our state and local partners. And we depend greatly on assistance from the public. So let me end by saying, if anyone out there has any information about potential wrongdoing by a public official, please submit a tip online or contact your local FBI field office. Your help really makes a difference.

Resource:
- Public corruption

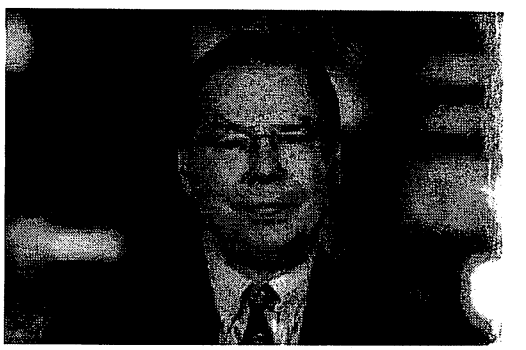
ATTACHMENT 1
EXHIBIT B

Blog

Fmr. DOJ Official: DOJ, FBI Illegally Withholding Investigation Info 'What Are They Trying to Hide?'

By Craig Bannister | May 25, 2018 | 1:59 PM EDT

Former Justice Department (DOJ) official Hans Von Spakovsky says it's illegal and unconstitutional for the DOJ and Federal Bureau of Investigation (FBI) to refuse to provide President Donald Trump and Congress with details of their Trump-Russia investigation's use of a spy in Trump's presidential campaign.



Hans Von Spakovsky (Screenshot)

As the nation's top law enforcement officer, Trump – and anyone working for him - have the indisputable right to anything they want to know about the Russia-Collusion investigation, Spakovsky explained in a Fox News interview Friday morning:

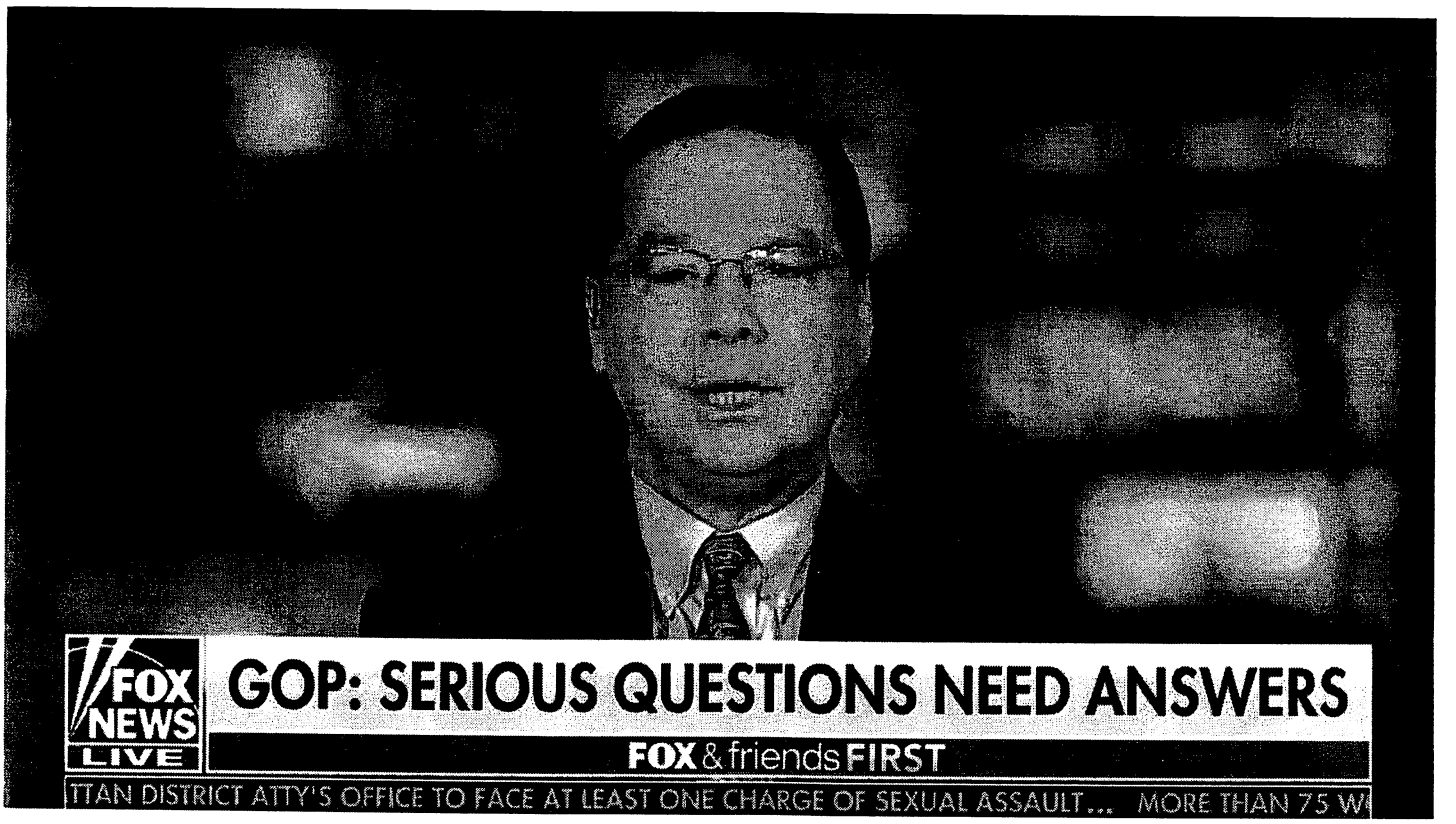
> "The president is the chief law enforcement officer of the United States. He has the full constitutional authority to be completely briefed on all aspects of this investigation, and that would include anyone working for him."

Trump has the legal right to declassify and release the information, and Congress has every right to see it, so the FBI-DOJ effort to withhold the information is not only illegal – but, also suspicious – Spakovsky said:

> "He (Trump) has the ability to declassify any information. And, here's the thing everyone should remember: Congress has one hundred percent right to see all of this information because of its constitutional oversight authority.

"And, that's why, DOJ and FBI's constant delays and attempts to not give them information is just legally and constitutionally wrong."

"And, it makes you wonder: what are they trying to hide?"



Craig Bannister

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More from Craig Bannister

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You May Like

FBI Admits it Found More Clinton-Lynch Meeting Documents

By ACLJ.org (/writers/aclj-staff) May 8, 2018

After twice denying their existence – first lying to the ACLJ (https://aclj.org/government-corruption/doj-document-dump-to-aclj-on-clinton-lynch-meeting-comey-fbi-lied-media-collusion-spin-and-illegality), and then once caught, claiming it had turned over all documents (https://aclj.org/government-corruption/fbi-document-dump-to-aclj-on-clinton-lynch-meeting-comey-knew-doj-lied-and-more-spin) to the ACLJ – the FBI Deep State has just admitted in federal court that is has found new documents – 16 pages and 2 text messages – that it will be forced to turn over to the ACLJ by the end of the month.

In recently filed court documents (http://media.aclj.org/pdf/Doc.-19.-Status-Report-re-FBI's-3rd-search_Redacted.pdf), the FBI finally admitted – on its supposedly third search attempt – that it has located another batch of documents responsive to the ACLJ's Freedom of Information Act (FOIA) (https://aclj.org/government-corruption/aclj-files-suit-against-fbi-to-obtain-documents-regarding-obama-attorney-general-lynchs-meeting-with-president-clinton-during-clinton-email-investigation) request for information relating to former Attorney General Lynch's suspiciously timed and highly secretive meeting with former President Clinton on a tarmac in Arizona just days before it publicly exonerated Hillary Clinton.

Specifically, the FBI reported that it has located an additional 16 pages and 2 text messages (http://media.aclj.org/pdf/FBI-Clinton-Lynch-Strzok-Page-texts.pdf). The FBI informed the court that it will produce these documents to the ACLJ on or by May 31, 2018.

As we reported a few weeks ago (https://aclj.org/government-corruption/after-first-lying-to-aclj-fbi-deep-state-tells-federal-court-it-will-search-central-records-system-for-first-time), just days before the FBI was to file a response to the ACLJ's motion for summary judgment challenging the adequacy of the FBI's search for documents, the FBI, instead, filed a motion with the court requesting that summary judgment proceedings be stayed while the FBI conducted a *third* search for documents. Yes, you read that right. A third search.

The FBI's earlier searches were less than sufficient to comply with federal requirements under FOIA. In fact, following its first supposed search (https://aclj.org/government-corruption/doj-document-dump-to-aclj-on-clinton-lynch-meeting-comey-fbi-lied-media-collusion-spin-and-illegality), the FBI claimed that "no records (http://media.aclj.org/pdf/FBI-Letter-%28no-records-located%29-10.21.16_Redacted.pdf)" existed responsive to the ACLJ's FOIA request. The ACLJ

later obtained evidence that proved the FBI's claim false, and the ACLJ demanded another search. While a second search (https://aclj.org/government-corruption/fbi-document-dump-to-aclj on-clinton-lynch-meeting-comey-knew-doj-lied-and-more-spin) was conducted by the FBI, which produced some documents, it quickly became clear that the search was, again, inadequate.

Nonetheless, the FBI did not volunteer to conduct another search for documents. The ACLJ had to demand another search in federal court. In fact, when it finally was forced to conduct this third search, we learned that it was going to be searching the FBI's "Central Records System (https://aclj.org/government-corruption/after-first-lying-to-aclj-fbi-deep-state-tells-federal-court-it-will-search-central-records-system-for-first-time)" – for the FIRST time. It was that bad.

Now, the FBI has just produced the two text messages to the ACLJ – texts between FBI agent Peter Strzok and now former FBI agent Lisa Page.

The texts dated June 30, 2016, three days after the tarmac meeting, state:

"All the airport tarmac articles finally burst out. Took a little bit. Not a big deal, just ASTOUNDINGLY bad optic."

"Omg he is spinning about the tarmac meeting, viewed in conjunction with the {REDACTED} Wants to meet at 4, have us bring lists of what we would do in an ordinary circumstance (easy, refer to PC) and in this circumstance (easy, refer to 7th floor)…."

The "he" referenced in the second text, based on the context of already released text messages (https://archive.org/stream/StrzokPageTexts/FBI-texts_djvu.txt), is likely Bill Priestap, assistant director of the FBI's Counterintelligence Division. The "7th floor" is a clear reference to the upper echelon of FBI management – then-Director Comey and his top advisors and lieutenants. The texts paint an even clearer picture of just how high up the FBI chain the Clinton-Lynch tarmac meeting was. They knew it was bad and were in full crisis management mode. Yet, it also shows how the mainstream media buried the story waiting several days to really cover it at all. In the end, we know it was the 7th floor – and Director Comey himself – who decided what the FBI would do – publicly exonerating Clinton just days latter – something that was anything but "ordinary."

As you might recall, the secretive meeting between Obama's former AG and former Secretary Clinton's husband took place just days before Secretary Clinton was questioned by the FBI regarding her treatment of classified information and amidst an ongoing investigation by the Department of Justice (DOJ) led by AG Lynch at the time. The meeting raised serious questions regarding the integrity of the DOJ's investigation – an issue that has resurfaced in recent months with Congressional investigations and the release of the Inspector General's report (https://static01.nyt.com/files/2018/us/politics/20180413a-doj-oig-mccabe-report.pdf) last month

indicating that the DOJ attempted to shut down the FBI's multiple investigations (by four different field offices) into the Clinton Foundation and the Foundation's suspicious activity with a foreign donor.

In a recent interview, (http://www.nydailynews.com/news/politics/loretta-lynch-calls-infamous-bill-clinton-tarmac-meet-innocuous-article-1.3924655) the former AG was again questioned regarding her infamous tarmac meeting. Lynch claims she only spoke about "innocuous things," and asserted – in response to a question as to why she chose not to recuse herself in light of the significant shadow her meeting with the former President cast on the DOJ – that she decided to stayed on because her lawyers told her she didn't need to recuse herself.

Yet, what the ACLJ has already uncovered (https://aclj.org/government-corruption/aclj-submits-foia-obtained-documents-regarding-clinton-lynch-tarmac-meeting-to-the-senate-judiciary-committee) through our lawsuits against the DOJ and FBI is that AG Lynch was conducting official business through an email alias – Elizabeth Carlisle – that the highest levels of the DOJ, the FBI including Director Comey – and even the Obama White House were quickly aware of the meeting and intricately involved on coordinating the spin, even colluding with members of the mainstream medial to downplay the importance of the meeting, and that Obama loyalists have actually been tasked with investigating themselves. You can read the timeline and full breakdown of what the ACLJ has unearthed thus far in this case here (https://aclj.org/government-corruption/full-timeline--breakdown-of-uncovered-lynch-clinton-emails).

We will not back down until we obtain the full truth about the infamous Clinton-Lynch meeting and expose this corruption to the public once and for all. When we obtain the remaining 16 pages of new documents later this month, we will be sure to let you know what new revelations we uncover.

SIGN **DONATE** **SHARE**

Investigate Former Attorney General Lynch

Read the full text of the petition (/government-corruption/investigate-former-attorney-general-lynch)

190,125 Signatures

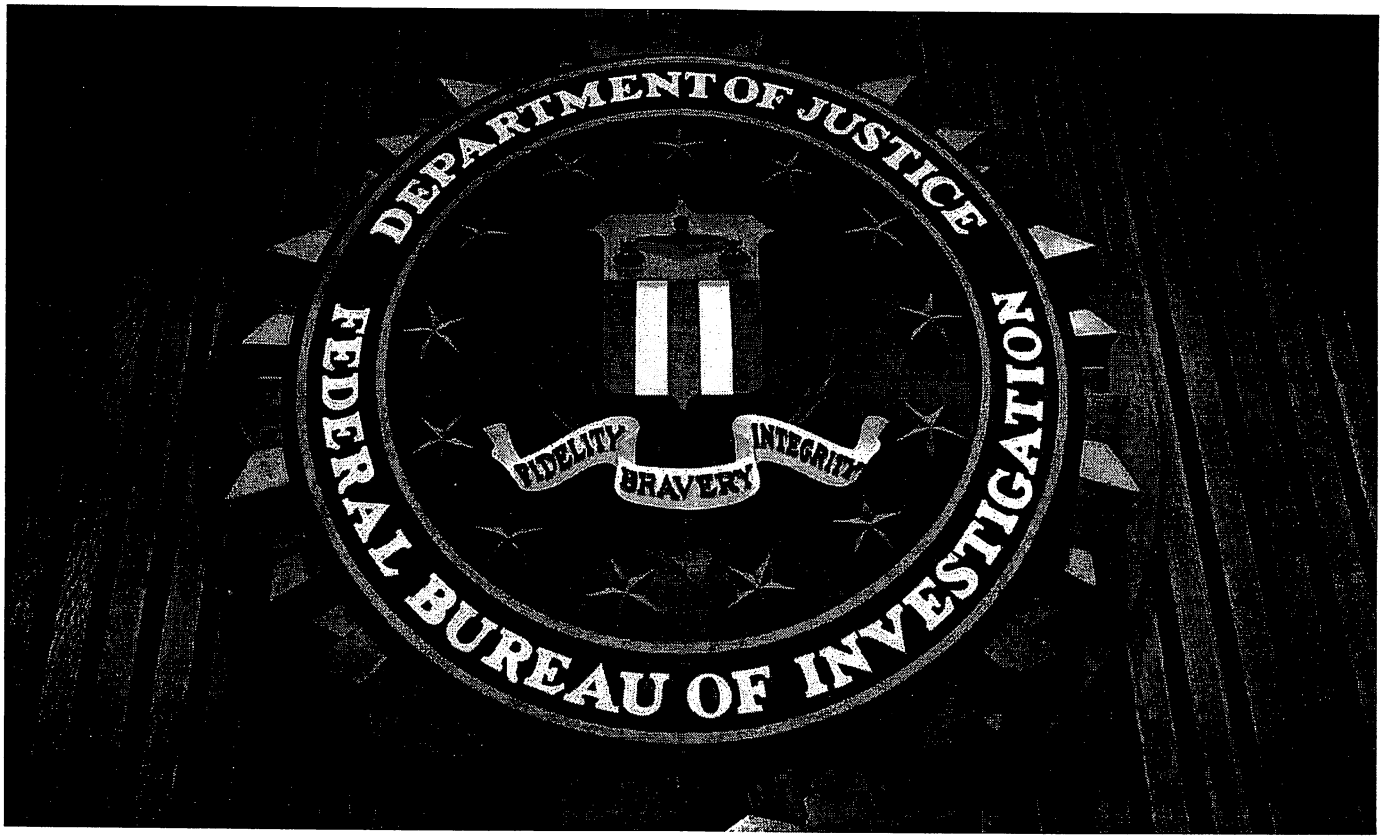
First Name

Last Name

The Guardian

Judge rules FBI unlawfully refused to comply with information act requests

Court finds FBI policy is 'at odds' with the Foia statute in ruling in favor of plaintiffs who contend government was trying to shield itself from scrutiny



The main argument the FBI made was that the documents detail law enforcement techniques and procedures that are not generally known to the public. Photograph: Chip Somodevilla/Getty Images

Sam Thielman *in New York*

Sat 30 Jan 2016 08.49 EST

The FBI unlawfully and systematically obscured and refused to answer legitimate requests for information about how well it was complying with the Freedom of Information Act (Foia), a Washington DC court found last week.

US district judge Randolph D Moss ruled in favor of Massachusetts Institute of Technology PhD student Ryan Shapiro, finding that the government was flouting Foia, a law intended to guarantee the public access to government records unless they fall into a protected

category. Moss found that the FBI's present policy is "fundamentally at odds with the statute".

Shapiro has, with his attorney Jeffrey Light, provided documents obtained using Foia requests in the past.

The bureau shot down requests for information so regularly and thoroughly - sometimes saying that records were unavailable, sometimes that they didn't exist, sometimes that it could neither confirm nor deny the existence of records - that Shapiro and his co-plaintiffs asked for more information about the process by which they had been so often refused.

And those requests for clarifying information were categorically denied on the grounds that any information about the FBI's reasons for denying previous Foia requests were by their very nature secret.

Shapiro and his fellow plaintiffs contended that the government often acts in bad faith and was trying to shield itself from scrutiny as broadly as possible. In doing so, they said, it had stretched the law to breaking point by including harmless documents in the broad categories of material it refuses to hand over or discuss.

"As the plaintiffs correctly observe, dissatisfied Foia requesters are often required to take the government at its word in Foia litigation, where the government has access to the disputed records and knowledge of how a search and response was conducted," wrote Moss in a 63-page opinion.

There are at least three categories of records the FBI simply refuses to part with:

"Search slips," which document the efforts of analysts to find files requested.
Case evaluations of the analysts supposedly looking for the records in question, which could detail whether an individual analyst has a history of errors or overapplication of the nine Foia exemptions.
Case processing notes, which provide further detail of individual searches.

"The FBI does nearly everything within its power to avoid compliance with the Freedom of Information Act," Shapiro said. "This results in the outrageous state of affairs in which the leading federal law enforcement agency in the country is in routine and often flagrant violation of federal law."

The main argument the FBI made was that the documents detail law enforcement techniques and procedures that are not generally known to the public - an established exemption from Foia. The plaintiffs provided examples of each kind of document obtained by Foia before the FBI adopted its policy of nondisclosure.

Moss agreed that even if individual documents were protected by that Foia exemption, the entire categories of document the FBI withholds were emphatically not. "[The FBI] concedes that the vast majority of [the records in question] are not protected at all," he wrote. "It is only arguing that by withholding all search slips, even those *not* protected by Foia, it can amass a haystack in which to hide the search slips that *are* protected (emphasis his)."

"The FBI's exercise of its statutory authority to exclude documents from Foia's reach is not the kind of 'technique' or 'procedure'" to which the necessary exemption refers, wrote Moss.

Shapiro and Light sued alongside Jeffrey Stein and nonprofit group Truthout, who were represented by Kel McClanahan of co-litigant group National Security Counselors.

There is little love lost between Shapiro and the government. Shapiro boasts the unusual distinction among graduate students of having his dissertation work challenged in court on the creative grounds that it constitutes a dangerous "mosaic" of individually legal parts that, were it released, could "significantly and irreparably damage national security", in the words of the FBI.

It's an argument that Shapiro finds interesting and would very much like to hear in detail, but he can't. "We can't even read most of the FBI's argument to support this contention, because the FBI submitted it in the form of an ex parte, in camera declaration," Shapiro said. "This is essentially a secret letter to the judge from the deputy assistant director of the FBI's counter-terrorism division."

Shapiro may be the single most prolific Foia requester in the history of that law, so when he says the FBI is particularly difficult to work with, it's because he has worked with many government agencies. "While Foia with some agencies can be akin to a protracted business meeting or an attempt to get telephone customer support from a telecom over a holiday weekend," he said. "Foia with the FBI is a street fight."

"The US attorney's office is reviewing the ruling and has no further comment on this matter," Justice Department spokesman Bill Miller said. Miller did not say whether the DoJ would appeal the ruling.

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FOIA trial offers rare look into how FBI searches records, responds to requests

Jacob Donnelly | Freedom of Information | News | June 18, 2015

Evidence from an ongoing Freedom of Information Act trial has shed light on how the Federal Bureau of Investigation handles FOIA requests from the public.

The case, *Trentadue v. FBI*, was filed by Jesse Trentadue in the U.S. District Court for the District of Utah after the FBI failed to turn over videotapes of the Murrah Federal Building bombing in Oklahoma City in 1995.

In the Reporters Committee's experience, it is rare for FOIA cases to go to trial - cases are usually settled or disposed of though pre-trial motions.

David Hardy, the chief of the FBI's Records Information Dissemination Section (RIDS) that manages FOIA requests, and other RIDS personnel testified publicly about how the FBI manages its records. In 2011, the FBI had been sanctioned after a judge determined Hardy had misrepresented the availability of FOIA records to the court.

In that case, the FBI had contended it could not find any records; later it admitted that it found documents, but could not disclose their existence to the court for national security reasons, although the court noted that the FBI could have requested in camera review.

"Simply put, the Government lied to the court," Judge Cormac Carney wrote.

The latest testimony from the *Trentadue* case shows that reporters and members of the public who send FOIA requests to the FBI might not know that there are a myriad of different records "systems" that they need to specify in order for a comprehensive search to take place. They might not know that the FBI typically only searches for the location of the main file related to an investigation as reported to headquarters, so reporters should also request cross-references, which are mentions of the subject of their request in investigations outside of the main file. While field offices have FOIA-trained personnel to assist RIDS, reporters should also send FOIA requests directly to individual field offices they think are relevant to the investigation, because RIDS may only request documents from the field office associated with the main file.

The FBI's Central Records System (CRS) contains the "universe of records" the FBI has acquired in its law enforcement operations. According to trial testimony in the *Trentadue* case, the Automated Case Support system ("ACS") searches the

CRS, and the ACS is split into three components: the Investigative Case Management system ("ICM"), the Electronic Case File ("ECF"), and the Universal Index ("UNI").

The ICM is a case management tool for documents involved in an ongoing investigation. The ECF is broader and contains all FBI law enforcement documents uploaded to the CRS except for some aged documents, or documents not uploaded for unknown reasons. Importantly, the ECF searches the text of the documents themselves.

The testimony showed that the FBI did not conduct an ECF search to find records responsive to Trentadue's request, even though Hardy had testified that all of the records related to the Oklahoma City bombing had been uploaded into the ACS system. Instead, testimony revealed that it is the FBI's policy to conduct UNI searches in response to FOIA requests. FOIA requesters need to state specifically which databases they want searched if they want a search beyond UNI to be conducted, testimony showed.

UNI searches differ from ECF searches in that UNI does not search the text of the documents themselves. Instead, UNI searches for keywords, which are entered by agents working on the investigations.

UNI can indicate in which field office physical evidence is located if an entire investigation is encompassed by a keyword. However, an ECF search can help to reveal whether or not a given record exists at all with more specificity than UNI, because physical evidence is often referred to within the text of documents and UNI would typically only identify where the entirety of the evidence for an investigation is located, not whether a particular record exists.

Testimony revealed that the one search of the CRS was made using the generic UNI keyword "OKBOMB," even though there was a wide range of keywords that could have been used in a text-based ECF search.

Shawn Musgrave, projects editor at MuckRock, said that while the FBI is good about providing status updates to FOIA requests and responding to correspondence, the process is often surprisingly lengthy for the number of documents received.

"Sometimes they will just shoot me back a 'Didn't find anything in the CRS' answer, and then I'll have to go back and say, 'I didn't ask from the CRS,' " Musgrave said. " 'This is not a keyword search. I'm looking for a particular document that I know you have, that one of your own emails referred to. That's the document that I'm after.' "

The FBI sometimes appears to wait for requesters to sue before conducting a full search, Musgrave added.

"There should not be a disparity in tools" between what exists and what are used in FOIA requests, Musgrave said. "That really undercuts their argument that it's unreasonable to search [in some situations]."

Even in the rare case where a requester has known to ask for an ECF search, the FBI has occasionally refused to conduct it.

Testimony also revealed that Linda Vernon, a forensic accountant with the FBI in Oklahoma City who had no training in FOIA practices, conducted the search for records responsive to Trentadue's request. Vernon had previously helped to assemble the FBI's discovery evidence while the bombing was being investigated.

Trentadue has alleged in court filings that the FBI "created a situation of tactical ignorance whereby Ms. Vernon could reasonably be expected to fail in terms of locating and/or producing videotapes and documents responsive to Plaintiff's

FOIA request."

In addition, testimony suggested that Vernon had conducted a search of records on what was essentially a personal database for the Oklahoma City bombing instead of on the wider universe of records held by the FBI. The statements made at trial had also shown that some requests for information are flagged for Hardy's attention at the beginning of the request process due to their potential for litigation.

Hearings before the House Oversight and Government Reform Committee last week took aim at political flagging of FOIA requests across the federal government, among other issues related to FOIA, specifically including political vetting of documents related to Hillary Clinton.

Journalists and attorneys have also expressed concern in the past that the FBI has withheld evidence from the discovery process by placing records outside the CRS.

John Solomon of the Associated Press in 2004 documented the existence of so-called "I-Drives" used by the FBI, which were file-sharing drives used in the course of case management but which defense lawyers said could be used to withhold evidence. Testimony showed that the I-Drives have been replaced by "S-Drives," which serve essentially the same function. Trentadue alleges the FBI failed to search S-Drives for records responsive to his FOIA request.

A database of electronic surveillance information outside the CRS, ELSUR, was also discussed at trial.

Notably, judgment in the trial — which is a bench trial — is being withheld after U.S. District Judge Clark Waddoups appointed U.S. Magistrate Judge Dustin Pead to investigate witness tampering claims that the FBI instructed a former FBI agent not to testify in this trial.

Christopher Allen, an FBI spokesman, declined to comment, citing ongoing litigation.

In the District of Utah, the case number is 2:08-cv-00788-CW-DBP.

Transcripts of testimony:

- July 28, 2014
- July 29, 2014
- July 30, 2014
- July 31, 2014
- Trentadue's proposed findings of fact