

<https://www.muckrock.com/foi/united-states-of-america-10/a-copy-of-any-license-to-practice-law-that-ag-barr-has-custody-of-for-each-dojfbi-foia-lawyer-that-signed-off-on-any-foia-requestappeal-pertaining-to-sapperstein-longo-associates-entities-80867/#appeal>

Donald Stone appeals this FOIA response : EOUSA-2019-004675 9/26/19

Oct. 14, 2019

Stone is not asking for any personal or medical information pertaining to these DOJ/FBI FOIA lawyers.

There is little or no expectation of privacy for these DOJ/FBI FOIA lawyers, they are believed to be top-tier lawyers and the “the point of the spear” for the FBI/DOJ FOIA divisions.

Stone's allegations are that these DOJ/FBI FOIA lawyers are tasked with covering up the crimes of former and/current DOJ/FBI employees, through the alleged misuse of FOIA exemptions and “conveniently” missing FBI 302 reports, telephone records, fraud on the courts, fraudulent concealment of exculpatory documents, fraud in the omission , etc.

Stone alleges this is to being done “under color of federal law” and in violation of the “Bar Rules of Professional Conduct.”

*The Second Circuit ruled that a former INS general counsel could not expect the same level of privacy in his senior level position that a lower level employee might enjoy. The court also found the counsel had been accused of serious wrongdoing. Perlman v. Dep't of Justice, 312 F.3d 100 (2d Cir. 2002), vacated and remanded, 541 U.S. 970 (2004), reaff'd, 380 F.3d 110(2d Cir. 2004). **Judge Gladys Kessler also ruled that a supervisory FOIA attorney at the Justice Department did not have an expectation of privacy in her alleged mishandling of arequest. Jefferson v. Dep't of Justice, No. 01-1418 (GK), 2003 U.S. Dist. LEXIS 26780(D.D.C. Mar. 29, 2003).** However, when Kessler was subsequently given information that the attorney was not at supervisory level when the alleged infraction occurred, she rescinded herearlier ruling. Jefferson v. Dep't of Justice, No. 01-1418 (GK), 2003 U.S. Dist. LEXIS 26782(D.D.C. Nov. 14, 2003).*

An Exemption 7(C) claim for the identity of an FBI supervisor was rejected in Butler v. Dep't of Justice, No. 86-2255, 1994 WL 55621 (D.D.C. Feb. 3, 1994), where the court noted that “FBI agents and other law enforcement personnel ‘may not have as great a claim to privacy as that afforded ordinarily to private citizens.’”

The very essence of the FOIA law is to help U.S. citizens extract U.S. government information about what their government is up to.

FOIA “was enacted to facilitate public access to Government documents” and “ was designed to ‘pierce the veil of administrative secrecy and to open agency action to the light of public scrutiny.’” Dep't of State v. Ray, 502 U.S. 164, 173 (1991) (quoting Dep't of Air Force v. Rose, 425 U.S. 352, 361 (1976)). Because of FOIA’s “goal of broad disclosure,” the Supreme Court has “insisted that the exemptions be ‘given a narrow compass.’” Milner v. Dep't of Navy, 131 S. Ct. 1259, 1265 (2011) (quoting Dep't of Justice v. Tax Analysts, 492 U.S. 136, 151 (1989)); accord FBI v. Abramson, 456 U.S. 615, 630 (1982) (“FOIA exemptions are to be narrowly construed.”). FOIA’s “limited exemptions do not obscure the basic policy that disclosure, not secrecy, is the dominant objective of the Act.” Dep't of Interior v. Klamath Water Users Protective Ass'n, 532 U.S. 1, 8 (2001) (quoting Rose, 425 U.S. at 361).

The basic purpose of FOIA is to ensure an informed citizenry, vital to the functioning of a democratic society, needed to check against corruption and to hold the governors accountable to the governed; U.S. Supreme Court in *NLRB v. Robbins Tire Co.* 437 U.S. 214, 242 (1978)

Accusing DOJ/FBI employees of misconduct places a heavy burden on FOIA requesters such as Stone. Stone has easily met that burden and exceeded that burden.

In *Stone vs. Warfield Sr.* 98-14069-CIV-RYSKAMP, Stone provides clear and convincing documentary evidence that the top DOJ lawyers in Maryland, Battaglia, her Chief of White Collar Crimes, Dale Kelberman and Thomas E. Scott Jr. U.S. Attorney for Southern District of Florida and other DOJ lawyers were caught lying and engaging in an alleged criminal conspiracy to conceal and to white wash the alleged multiple federal felony offenses of Charles Richard Longo Sr. (and simultaneously those of Longo associate, Gilbert Sapperstein and others known & unknown) as a “business dispute or civil matter” between Longo and Stone, which was a clear violation of their law enforcement statutory duty.

Additionally, this was an alleged “Fraud on the Court” scheme by officers of the court, the top level DOJ lawyers Lynne Battaglia and Thomas E. Scott Jr. U.S. Attorney for Maryland/Southern District of Florida and other DOJ lawyers from Maryland and Florida.

Thank God for FOIA, without the documents Stone obtained through a FOIA request, that were used to expose the alleged Fraud on the Court scheme by the DOJ in Florida, Stone would have been left twisting in the wind by the corrupt DOJ lawyers from Maryland and Florida. *Aoude v. Mobil Oil Corp.*, 892 F.2d 1115, 15 Fed. R. Serv. 3d 482 (1st Cir. 1989) (**“Because corrupt intent knows no stylistic boundaries, fraud on the court can take many forms.”**)

The requisite fraud on the court occurs where "it can be demonstrated, clearly and convincingly, that a party has sentiently set in motion some unconscionable scheme calculated to interfere with the judicial system's ability impartially to adjudicate a matter by improperly influencing the trier of fact or unfairly hampering the presentation of the opposing party's claim or defense." *Aoude v. Mobil Oil Corp.*, 892 F.2d 1115, 1118 (1st Cir. 1989)

Where and if a DOJ/FBI lawyer is licensed to practice law is certainly in the public interest.

One of the primary purposes of Stone's numerous recent FOIA request to DOJ/FBI is to determine if there is an alleged ongoing conspiracy by DOJ/FBI FOIA lawyers to cover-up the earlier DOJ/FBI schemes designed to protect Gilbert Sapperstein, Charles R. Longo Sr., and/or associates.

The alleged ongoing scheme by DOJ/FBI lawyers to keep exculpatory documents beyond the reach of victims of white collar and/or organized crime syndicates, such as Sapperstein, Longo, et al. to protect their self-serving personal and/or political agendas.

Stone's allegations are there seem to be a large number of documents that the DOJ/FBI lawyers allegedly claim as missing or non-existent. Stone refers to this as the “conveniently missing documents” that benefit the DOJ/FBI just as the “convenient suicide” of Jeffery Epstein greatly benefited the DOJ/FBI and the powerful politically well connected Epstein associates.

Pertaining to the earlier 1998 conspiracy in *Stone vs. Warfield Sr.* 98-14069-CIV-RYSKAMP, where the DOJ lawyers from Maryland and Florida were conspiring with Longo, Sapperstein, and their associates, the allegation is that the DOJ/FBI FOIA recent responses to Stone's numerous FOIA request

is a continuation of the original conspiracy by the DOJ/FBI to keep any evidence of past or present misconduct or criminal activity by DOJ/FBI from being disclosed publicly

The Supreme Court has explained that a “collective criminal agreement—[a] partnership in crime—presents a greater potential threat to the public than individual delicts. Concerted action both increases the likelihood that the criminal object will be successfully attained and decreases the probability that the individuals involved will depart from their path of criminality.”² Moreover, observed the Court, “[g]roup association for criminal purposes often, if not normally, makes possible the attainment of ends more complex than those which one criminal could accomplish. Nor is the danger of a conspiratorial group limited to the particular end toward which it has embarked.”³ Finally, “[c]ombination in crime makes more likely the commission of crimes unrelated to the original purpose for which the group was formed.”⁴ In sum, “the danger which a conspiracy generates is not confined to the substantive offense which is the immediate aim of the enterprise.”⁵ Congress and the courts have fashioned federal conspiracy law accordingly.⁶

These principles include the fact that regardless of its statutory setting, every conspiracy has at least two elements: (1) an agreement (2) between two or more persons.¹⁴ Members of the conspiracy are also liable for the foreseeable crimes of their fellows committed in furtherance of the common plot.¹⁵ Moreover, statements by one conspirator are admissible evidence against all.¹⁶ Conspiracies are considered continuing offenses for purposes of the statute of limitations and venue.¹⁷ They are also considered separate offenses for purposes of sentencing and of challenges.

(Excerpt: Federal Conspiracy Law: A Brief Overview Charles Doyle, Senior Specialist in American Public Law, Congressional Research Service, January 20, 2016)

*** Of Special Interest** – In the light of the above referenced conspiracy information Stone also alleges that there appears to be a rather odd conspiratorial interest by FBI RIDS Chief, David M. Hardy in monitoring and/or censoring the release of any information the DOJ FOIA division has pertaining to Pinnacle Towers (Florida) which made an approx. \$9 million payment in 1997 to a known associate of Sapperstein and Longo for certain assets that were allegedly bought with a portion of the approx. \$3.5 million Gilbert Sapperstein stole from the Baltimore School Board.

In the event a citizen such as Stone wants to file a complaint with the Bar association about a particular DOJ/FBI lawyer, rather than being forced to search 50 state bar associations for where they are licensed to practice law the DOJ/FBI lawyers should be required to make this information readily available to the public.

This FOIA request pertains to the top tier DOJ/FBI FOIA lawyers that control the ebb and flow of documentary evidence that may or may not implicate themselves and/or their DOJ/FBI colleagues in misconduct and/or a criminal conspiracy to cover-up criminal activities.

Collectively these DOJ/FBI FOIA lawyers have tremendous political power and motivation to suppress documentation that would be incriminating to DOJ/FBI employees.

These top-tier DOJ/FBI FOIA lawyers allegedly cost U.S. taxpayers possibly millions of dollars in DOJ/FBI resources when they misuse the FOIA exemptions requiring U.S. citizens to engage in costly litigation to extract the documents that DOJ/FBI lawyers were required by the FOIA law to release.

One of those alleged schemes by the DOJ/FBI FOIA lawyers is commonly known as “withhold it because you want to.”

All of these DOJ/FBI FOIA lawyers are officers of the court and as such are public servants, transparency is required.

The records of their bar license is believed to be a matter of public record, but the location remains unknown to the citizens that are dealing with these DOJ/FBI FOIA lawyers.

It's unknown to the Stone if there is a special arrangement for DOJ/FBI FOIA lawyers that allows them to practice law in states or D.C. where they are not licensed.

Incorporate by reference:

1. All FOIA request/appeals Stone has filed with DOJ/FBI
2. All DOJ/FBI documents pertaining to Gilbert Sapperstein, Charles Richard Longo Sr., and/or any of their associates.
3. All civil or criminal complaints filed with DOJ/FBI in by residents of Maryland, Florida, Virginia, New York, D.C. or Delaware pertaining to Gilbert Sapperstein, Charles Richard Longo Sr., and/or any of their associates.

In closing there seems to be a "Double Standard" for DOJ/FBI lawyers in that a citizen can be sent to federal prison for lying to DOJ/FBI lawyers and/or employees, but there is no punishment for DOJ/FBI lawyers and/or employees lying to citizens and to the federal and state courts.

The allegation are that the alleged specialties of the DOJ/FBI lawyers is not justice but:

1. Fraud on the Court schemes, federal and state
2. Fraudulent concealment of exculpatory documents from victims
3. Fraud in the omission

For these reasons and others Stone appeals the above referenced matter.

Regards

Donald Stone

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