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Overnight Mail December 19, 2014

Federal Bureau of Investigation
Attn: FOI/PA Request
Record/Information Dissemination Section
170 Marcel Drive
Winchester, VA 22602-4843

Re: FOIA request No. 1151829-000

- 1) FBI Abshire documents-third request
- 2) FBI copy of joint FBI-DOJ-HHS "IMC Final Investigative Report"
- 3) FBI copy of February 25, 1987 "Perot" documents
- 4) FBI copy of Robert v National Archives "FBI Agent Allison" documents
- 5) FBI unredacted copy of Robert v DOJ "62-0 file" documents
- 6) FBI Robert III v DOJ "Recarey extradition" documents
- 7) FBI Robert VII v DOJ "FISC Robert" documents
- 8) FBI Charles Robert documents including NSLs sent to banks and ISP

Dear FBI FOIA Officer:

The Robert II v CIA and DOJ, cv 02-6788 (Seybert, J.), plaintiff hereby files a *third de novo* FOIA request for the above eight sets of FBI documents. This is the same *de novo* FOIA request that was filed on September 13, 2011 and on February 7, 2014 with FBI Chief FOIA Officer David Hardy. The FOIA requester incorporates by reference the enclosed February 7, 2014 FOIA request. It is posted at http://snowflake5391.net/2_7_14_FBI_FOIA_request.pdf.

The September 13, 2011 *de novo* FBI FOIA request sought the release of the same FBI documents as requested on July 27, 2010 and denied on August 5, 2010 by FBI Chief FOIA Officer Hardy. The February 7, 2014 FBI FOIA request included the enclosed February 22, 2012 White Paper (WP) in support of NARA Office of Government Information Services (OGIS) FBI facilitation services. It is posted at http://snowflake5391.net/2_22_12_OGIS_FBI_WP.pdf.

The FBI Chief FOIA Officer Hardy did not docket or process the February 7, 2014 *de novo* FBI FOIA request. As a result, the Robert II v CIA and DOJ plaintiff filed a June 25, 2014 complaint with DOJ Inspector General (IG) Michael Horowitz against FBI Chief FOIA Officer Hardy for "defrauding" President Obama by not docketing and processing the *de novo* FBI FOIA request. The FOIA requested FBI documents reveal whether the Robert II v CIA and DOJ co-defendants CIA Director John Brennan and AG Eric Holder have withheld facts from President Barak Obama re the 1982-2014 FBI Directors' knowledge that 1982-2014 CIA Directors had conducted serial illegal CIA domestic "special activities." The plaintiff's DOJ IG complaint was also not docketed or processed. Please include the enclosed complaint filed with the DOJ IG with this *third de novo* FBI FOIA request. It is posted at http://snowflake5391.net/ig_horowitz.pdf.

The Robert II v CIA and DOJ plaintiff files this third *de novo* FBI FOIA request because on November 8, 2014 President Obama nominated EDNY U.S. Attorney Loretta Lynch to be AG Holder's successor. As a result, FBI Director Comey is now vetting EDNY U.S. Attorney Lynch prior to the Senate Judiciary Committee holding its 2015 AG confirmation hearing. Out of courtesy and respect for AG Nominee Lynch, she should know the content of these *de novo* FBI FOIA requested documents that the plaintiff asserts are connect-the-dots with the Robert II v CIA and DOJ "North Notebook" documents that reveal whether 1982-2014 AGs and FBI Directors have known that the 1982-2014 CIA Directors have conducted 1982-2014 illegal CIA domestic "special activities" without the knowledge of the Article I "Gang of Eight," the Article II Presidents, and the Article III Judges including the FISC and the Supreme Court.

The Robert II v CIA and DOJ plaintiff looks forward to the confirmation of EDNY U.S. Attorney Lynch (1999-2001 and 2010-) whom he knows as an honorable attorney who would not "defraud" President Obama as CIA Director Casey and AG Meese had "defrauded" President Reagan. Heretofore, EDNY U.S. Attorney Lynch has not had Top Secret clearance to read the classified Robert II v CIA and DOJ "North Notebook" documents. If confirmed as the new AG, then she will for the first time have clearance to read the plaintiff's FOIA requested "Top Secret" documents that the plaintiff asserts reveal that the 1982-2014 FBI Directors have known that the 1982-2014 CIA Directors have conducted illegal CIA domestic 1982-2014 "special activities."

Robert II v CIA and DOJ co-defendant CIA Director Brennan (2013-) and CIA General Counsel Caroline Krass (2014-) know whether the 1985 CIA classified "North Notebook" documents reveal whether CIA Director Casey had conducted illegal CIA domestic "special activities" at International Medical Center Inc. (IMC) and the NSA without the knowledge of President Ronald Reagan. The Robert II v CIA and DOJ case file notes and e-mails reveal whether the co-defendants CIA Director Brennan and AG Holder know that CIA Director Casey and AG Edwin Meese had "defrauded" President Reagan by not informing President Reagan of the illegal CIA domestic "special activities" that CIA Director Casey conducted at IMC and the NSA with the knowledge of FBI Director Judge Webster. See 2-22-12 OGIS FBI WP §§ C, E.

The Robert II v CIA and DOJ plaintiff again requests an expedited FBI FOIA decision. If AG Nominee Lynch is confirmed, then she will be the successor Robert II v CIA and DOJ co-defendant for AG Holder. As explained in § A below, the plaintiff believes that a 1982-2014 EDNY U.S. Attorney "stovepipe" has existed that has bypassed the 1982-2014 EDNY U.S. Attorneys to provide them with a "plausible deniability" defense to the fact that the FBI Directors knew that the CIA Directors conducted illegal CIA domestic "special activities." As a result, the plaintiff believes that that EDNY U.S. Attorney Lynch (1999-2001 and 2010-) has no actual knowledge of the illegal CIA domestic "special activities" that were alleged by the plaintiff in Robert v Holz, cv-85-4205 (Wexler, J), Robert v National Archives, 1 Fed. Appx. 85 (2d Cir. 2001), Robert v DOJ, 2001 WL 34077473 (EDNY), 26 Fed. Appx. 87 (2d Cir. 2002), Robert VII v DOJ, 2005 U.S. Dist. LEXIS 39616, 193 Fed. Appx. 8 (2d Cir. 2006), cert. den. 127 S.Ct. 1133 (2007), Robert VIII v DOJ, HHS, and SSA, 439 Fed. Appx 32 (2d Cir. 2011), cert. den. 132 S. Ct. 1549 (2012), and in Robert II v CIA and DOJ. See 2-22-12 OGIS FBI WP §§ J, K, L.

Therefore, please docket this *de novo* FBI FOIA request by December 31, 2014. If the FBI FOIA requester does not receive a docket number by December 31, 2014 e-mail (charrobert@aol.com), then he will so advise Judge Seybert in Robert II v CIA and DOJ.

If FBI Director Comey's FBI Chief FOIA Officer Hardy decides for a third time not to docket the September 13, 2011, February 7, 2014, and December 19, 2014 *de novo* FBI FOIA requests, then this is evidence of an ongoing 1982-2014 FBI "cover up" fact. This takes on greater significance because EDNY U.S. Attorney Lynch has not informed Judge Seybert the reason why she has not complied with Judge Seybert's Local Motion Practice Rule F (2), and filed the co-defendants' required three page response to the plaintiff's application for a Summary Judgment Motion conference. The plaintiff will inform Judge Seybert why he believes that after EDNY U.S. Attorney Lynch reads the February 7, 2014 *de novo* FBI FOIA requested documents along with the four 1985 CIA classified "North Notebook" documents that are subject to President Obama's December 29, 2009 E.O. 13526, § 3.3 Automatic Declassification, 25 year (1985+25=2010), that the plaintiff's requested pre-Summary Judgment Motion hearing could lead to the co-defendants accepting the plaintiff's renewed quiet settlement offer.

If FBI Director Comey's FBI Chief FOIA Officer Hardy decides for a third time not to docket the September 13, 2011, February 7, 2014, and December 19, 2014 *de novo* FBI FOIA requests, then the Robert II v CIA and DOJ plaintiff will file another complaint with DOJ IG Horowitz alleging that FBI Chief FOIA Officer Hardy is "defrauding" President Obama. If that DOJ IG complaint is not docketed and processed, then the plaintiff will present the fact that there are no internal Article II checks and balances to the illegal CIA domestic "special activities," to the Senate Judiciary Committee considering President Obama's 2015 Nominees for DAG, Associate AG, AAG of the OLC, and AAG of the Civil Division. The plaintiff will cite to the FBI and DOJ IG Robert case file notes and e-mails as evidence of the knowledge of AG Holder and FBI Director Comey, the 2003-2005 DAG, of the 1982-2014 CIA Directors' illegal CIA domestic "special activities" conducted without the knowledge of President Obama, but with the 2015 knowledge of FBI General Counsel James Baker (2014-), CIA General Counsel Krass (2014-), ODNI General Counsel Robert Litt (2009-), DOD General Counsel Stephen Preston (2013-), NSA General Counsel Rajesh De (2013-), DHS General Counsel Stevan Bunnell (2014-), NARA General Counsel Gary Stern (1998-), WH Assistant to the President for Homeland Security Lisa Monaco (2013-), and WH Counsel W. Neil Eggleston (2014-).

Therefore, given the gravity of the Robert II v CIA and DOJ plaintiff-FBI FOIA requester's assertions, the FBI FOIA Officer should be consulting with FBI Chief Counsel Baker. He knows the legal significance of the fact that the plaintiff's February 7, 2014 complaint filed with DOJ IG Horowitz against OIP Director Melanie Pustay for not docketing the December 3, 2013 OLC FOIA request for the May 24, 1984 Top Secret "OLC Olson FISA Memo" and the March 18, 2011 reclassified May 6, 2004 Top Secret "OLC Goldsmith FISA Memo," was also not docketed or processed. The December 3, 2013 OLC FOIA complaint is posted at http://snowflake5391.net/12_3_13_FISA_MEMOS.pdf. The February 7, 2014 complaint against OIP Director Pustay is posted at http://www.snowflake5391.net/WP_IG.pdf. See § O below.

FBI General Counsel Baker, the 2009-2011 Associate DAG, also knows the importance of an expedited decision because the Robert II v CIA and DOJ plaintiff's November 24, 2014 OLC Appeal of the OLC Special Counsel Paul Colborn's September 30, 2014 use of the "Glomar Response" to deny the plaintiff's September 15, 2014 OLC FOIA request for the July, 2014 "OLC Riley v California Memo," was docketed as AP-2015-00955. The September 15, 2014 OLC FOIA request is posted at http://snowflake5391.net/olc_foia.pdf. The November 24, 2014 OLC Appeal is posted at http://snowflake5391.net/OLC_Riley_Appeal_11-24-14.pdf

A. Request for an expedited FBI FOIA decision

The Robert II v CIA and DOJ plaintiff incorporates by reference his reason for requesting an expedited FOIA decision as explained in his February 7, 2014 *de novo* FBI FOIA request § A. As discussed above, the fact that FBI Director Comey is now vetting President Obama's AG Nominee Lynch, is an additional reason for an expedited decision. AG Nominee Lynch should not be blindsided by the content of the *de novo* FBI FOIA requested documents because of the existence of the EDNY U.S. Attorney "stovepipe" that has already resulted in her violation of Judge Seybert's Summary Judgment rules. The plaintiff has asserted that a confirmed AG Lynch with Top Security clearance will be able to read the eight sets of FBI FOIA requested documents and know whether they are connect-the-dots documents to the four 1985 CIA classified "North Notebook" documents that will be subject to the plaintiff's 2015 Summary Judgment Motion.

The FBI FOIA requester asserts that another reason for an expedited FBI FOIA decision is DNI Director James Clapper filing his January 17, 2015 PPD 28 DNI Final Report. In that PPD-28 DNI Final Report, DNI Clapper will be recommending to President Obama what the President should do about the 1982-2014 E.O. 123333 Top Secret "**FISA exempt**" NSA TSP "haystacks" of U.S. citizens' comingled stored content data. See the October 17, 2014 declassified July, 2014 DNI Report Safeguarding the Personal Information of all People: A Status Report on the Development and Implementation of Procedures Under Presidential Policy Directive 28. <http://icontherecord.tumblr.com/>. See 11-24-14 OLC Appeal § J.

On October 17, 2014, DNI General Counsel Robert Litt and DNI CLPO Alexander Joel commented on the Report on the IC on the Record. They both knew whether a July, 2014 "OLC Riley v California Memo" existed. They informed the public that a final PPD-28 Report would be presented to President Obama on January 17, 2015 in coordination with the other IC agencies who would be submitting to the DNI their agencies' individual PPD-28 Reports:

In particular, PPD-28 directs intelligence agencies to review and update their policies and processes - and establish new ones as appropriate - to safeguard personal information collected through signals intelligence, regardless of nationality and consistent with our technical capabilities and operational needs.

As we work to meet the January 2015 deadline, PPD-28 called on the Director of National Intelligence to prepare an interim report on the status of our efforts and to evaluate, in coordination with the Department of Justice and the rest of the Intelligence Community, additional retention and dissemination safeguards. Id. Emphasis added. <http://icontherecord.tumblr.com/>

The Interim PPD-28 Report explained that a "multidisciplinary interagency working group" was established to develop a common approach to safeguarding personal data. This DNI task force was in place when the June 25, 2014 Riley v California decision was rendered:

Shortly after the President issued PPD-28, the Office of the Director of National Intelligence (ODNI) established a multidisciplinary interagency working group to discuss a common approach to developing additional

safeguards that protect personal information, recognizing that every Intelligence Community element has different mission needs and requirements. The working group members represented intelligence community legal, policy, and civil liberties and privacy offices. In approaching this task, the group focused on developing key principles to inform all Intelligence Community elements as they implement the requirement of PPD-28 in a manner that protects personal information collected through SIGINT and determining what additional protections, if appropriate, need to be afforded beyond what PPD-28 requires. Id. 1. Emphasis added.

The Interim PPD-28 Report indicated that IC reports are expected to be in place by January 17, 2015 and ready to be implemented:

Based on current progress, ODNI assesses that all elements of the Intelligence Community are on track to have policies and procedures in place by January 17, 2015. Id. 9. Emphasis added.

However, the Interim PPD-28 Report indicated that there was a “**CIA exception**” that applies to the CIA that will be different from the other IC agencies:

CIA, for example, has current policies, processes, access controls, or training in place or will create additional measures to ensure protection of personal information obtained via SIGINT activities, with the goal of consistent implementation across the CIA. To that end, CIA is drafting an updated policy to encompass the safeguarding of personal information consistent with PPD-28 expectations. CIA will designate a senior Agency officer(s) to oversee compliance with PPD-28, in coordination with other relevant oversight entities, as appropriate. Id. 10. Emphasis added.

The Robert II v CIA and DOJ plaintiff-FBI FOIA requester asserts that the *de novo* FBI FOIA requested # “7) FBI Robert VII v DOJ “FISC Robert” documents contain “smoking gun” evidence whether FBI Director Judge Webster knew the 1985-1988 Robert v Holz plaintiff was the target of the E.O. 12333 Top Secret “**FISA exempt**” NSA TSP during the 1984-1987 joint CIA-FBI-DOJ-HHS “Fraud Against the Government” investigation of Robert. If so, then AG Nominee Lynch should know whether FBI Director Comey has coordinated the FBI’s PPD-28 standards with CIA Director Brennan’s PPD-28 “**CIA exception**” standards. If so, then there should be no question of FBI Director Comey “defrauding” President Obama re CIA Director Brennan’s warrantless E.O. 12333 querying of the 1982-2015 E.O. 12333 data sets.

Thus, the public stage is set for January 17, 2015 when DNI Clapper files his Final PPD 28 Report with the President. It will include a compendium of the IC agencies standards for IC analysts to conduct queries of the 1982-2015 E.O. 12333 Top Secret “FISA exempt” NSA TSP “haystacks” of U.S. citizens’ comingled stored content data. All of the IC agencies, including the FBI, will have provided DNI Clapper their standards. This includes the CIA’s “**CIA exception**” standards. FBI Director Comey and FBI General Counsel Baker know whether the “**CIA exception**” standards continue to be in violation of the “exclusivity provision” of the FISA.

B. A request for the waiver of FOIA fees in the public interest

The Robert II v CIA and DOJ plaintiff incorporates by reference his reason for requesting a waiver of FOIA fees as explained in his February 7, 2014 *de novo* FBI FOIA request § B. However, he adds additional public interest factors that have occurred since the February 7, 2014 *de novo* FBI FOIA request was filed. These new factors are grounded on the fact that FBI Director Comey knows that 2015 Congressional Oversight Committees will be considering investigations of President Obama's "executive actions" to reset the Constitution's separation of powers principles as to Article II policies being implemented in facial violation of Article I statutes and not being subject to any Article I or Article II or Article III checks and balances.

As explained in § A above, there will be Congressional review of President Obama's decision whether to accept DNI Clapper's PPD-28 Final Report recommendation as to what to do about the continued storage of the 1982-2015 E.O. 12333 Top Secret "FISA exempt" NSA TSP "haystacks" of U.S. citizens' comingled stored content data. The *de novo* FBI FOIA requester asserts that there will be 2015 public interest in learning whether FBI Director Comey knows the legal basis for the 2015 PPD-28 "**CIA exceptions**" that allow CIA Director Brennan's 2015 continuation of the "back door" warrantless querying of the 1982-2015 E.O. 12333 Top Secret "**FISA exempt**" NSA TSP "haystacks" of U.S. citizens' comingled stored content data.

There is an Article I public interest in knowing whether the Orwellian-Hooveresque 1982-2014 E.O. 12333 Top Secret "**FISA exempt**" NSA TSP was conducted in serial violation of the Article I "exclusivity provision" of the FISA of 1978 with the knowledge of the 1982-2014 AGs William French Smith (1981-1985), Edwin Meese (1985-1988), Richard Thornburgh (1988-1991), William Barr (1991-1993), Janet Reno (1993-2001), John Ashcroft (2001-2005), Alberto Gonzales (2005-2007), Acting AG Peter Keisler (2007), Michael Mukasey (2007-2008), and Eric Holder (2009-). The public should also know whether FBI Director Comey knows that all of the post-E.O. 12333 FBI Directors Judge William Webster (1978-1987), (Acting) John Otto (1987), Judge William Sessions (1987-1993), (Acting) Floyd Clarke (1993), Judge Louis Freeh (1993-2001), (Acting) Thomas Pickard (2001), Robert Mueller (2001-2013), and James Comey (2013-) have known that CIA Directors William Casey (1981-1987), Judge William Webster (1987-1991), Robert Gates (1991-1993), James Woolsey (1993-1995), John Deutch (1995-1996), George Tenet (1997-2004), Porter Goss (2004-2005), General Michael Hayden (2006-2009), Leon Panetta (2009-2011), David Petraeus (2011-2012), and John Brennan (2013-) have not informed the FISC of the FBI's knowledge of the CIA Directors' "back door" warrantless querying of the 1982-2014 E.O. 12333 Top Secret "FISA exempt" NSA TSP that was never reported to Congress as required by § 413 (a) of the National Security Act.

The public should know of the U.S. Attorney "stovepipe" that bypassed EDNY U.S. Attorneys Raymond Dearie (1982-1986), Reena Raggi (1986), Andrew Maloney (1986-1992), Mary Jo White (1992-1993), Zachary Carter (1993-1999), Loretta Lynch (1999-2001), Alan Vinegrad (2001-2002), Roslynn Mauskopf (2002-2007), Benton. Campbell (2007-2010), and Loretta Lynch (2010-). The public should know that the "stovepipe" was established to provide the EDNY U.S. Attorneys with a "plausible deniability" defense to the fact that their AGs knew that the 1982-2014 CIA Directors were conducting illegal CIA domestic "special activities" that were never reported to Congress. This is a timely issue because FISC Judge Dearie (2012-) and President Obama's AG Nominee Lynch have this EDNY "plausibility deniability" defense.

C. The Article I reason for public interest waiver of fees

The Robert II v CIA and DOJ plaintiff incorporates by reference his reason for requesting a waiver of FOIA fees for an Article I reason as explained in his February 7, 2014 *de novo* FBI FOIA request § C. However, he adds additional Article I public interest factors that have occurred since the February 7, 2014 *de novo* FBI FOIA request was filed. All 535 Members of Congress should know in 2015 about the 1982-2015 FBI Directors' knowledge of the CIA Directors "back door" warrantless querying of the 1982-2015 E.O. 12333 Top Secret "FISA exempt" NSA TSP "haystacks" of U.S. citizens' comingled stored content data that has been transferred into the Utah Data Center, when they consider 2015 legislation re stored meta data.

President Obama has informed the Congress that he is in support of legislation to end the USG's storage of metadata. After DNI Director Clapper files his January 17, 2015 PPD-28 Final Report, President Obama will have to decide whether he will support any legislation that codifies the "**CIA exceptions**" whereby CIA Director Brennan can continue to conduct "back door" warrantless querying of the 1982-2015 E.O. 12333 Top Secret "**FISA exempt**" NSA TSP "haystacks" of U.S. citizens' comingled stored content data. If so, then all 535 Members of Congress should have access to documents that explain the legal basis for the E.O. 12333 Top Secret "**FISA exempt**" NSA TSP being conducted without Presidents Reagan, Bush, Clinton, Bush, and Obama complying with the § 413 (a) of the National Security Act "shall" duty of the Presidents to provide Congressional Notification of the 1982-2014 "**FISA exempt**" NSA TSP both before and after the June, 2013 Snowden leaks.

There is an Article I reason for the waiver of fees because all 535 Members of the 2015 Congress should be able to read the Top Secret "FISA secret law" that has been the legal basis for the 1982-2014 CIA Directors conducting "back door" warrantless querying of the 1982-2015 E.O. 12333 Top Secret "**FISA exempt**" NSA TSP "haystacks" of U.S. citizens' comingled stored content data. The release of the Robert II v CIA and DOJ plaintiff's *de novo* FBI FOIA requested documents would provide all 535 Members of Congress with "smoking gun" evidence to answer the how-could-this-have-ever-happened-question of why the 1982-2014 FBI Directors took no action to stop the 1982-2014 CIA Directors' serial violations of the "exclusivity provision" of the FISA of 1978. The FBI documents reveal an E.O. 12333 Top Secret policy and practice of the 1982-2014 FBI Directors determining that the need to protect CIA sources and methods trumped the National Security Act limitation on CIA domestic covert actions.

This is an important Article I public interest issue if President and Congress enact legislation to end the storage of metadata, but not end CIA Director Brennan's "back door" warrantless queries of the 1982-2015 E.O. 12333 Top Secret "FISA exempt" NSA TSP "haystacks" of U.S. citizens' comingled stored content data that has been transferred into the Utah Data Center. It is in the public interest to know that all 535 Members of the 2015 Congress know that FBI Director Comey knows that CIA Director Brennan will apply the PPD-28 "**CIA exceptions**" and continue his querying of the 1982-2015 "haystacks" of U.S. citizens' comingled stored content data without any FISC warrant in facial violation of the "exclusivity provision" of the FISA of 1978. The Robert II v CIA and DOJ plaintiff believes that if all 535 Members of Congress know that the 2015 public knows that PPD-28 "**CIA exceptions**" exist, then some Members of Congress would propose 2015 legislation to require a FISC warrant whenever there is a CIA search of the 1982-2015 "haystacks" of U.S. citizens' comingled stored content data.

D. The Article II reason for public interest waiver of fees

The Robert II v CIA and DOJ plaintiff incorporates by reference his reason for requesting a waiver of FOIA fees for an Article II reason as explained in his February 7, 2014 *de novo* FBI FOIA request § D. However, he adds additional Article II public interest factors that have occurred since the February 7, 2014 *de novo* FBI FOIA request was filed. These factors are based on FBI Director Comey's Article II decisions that he made with his actual or constructive knowledge of the July, 2014 DNI PPD-28 Interim Report, the July, 2014 “OLC Riley v California Memo,” the September 5, 2014 re-reclassification of the March 18, 2011 reclassified May 6, 2004 Top Secret “OLC Goldsmith FISA Memo,” and AG Holder’s September 12, 2014 appointment of Acting Civil Division Joyce Branda to succeed AAG of the Civil Division Delery (2012-2014) when he became AG Holder’s September 5, 2014 Acting Associate AG.

FBI Director Comey knows that if the *de novo* FBI FOIA requested documents reveal 1982-2014 FBI Directors’ knowledge of CIA Directors illegal CIA domestic “special actions, then he has an affirmative duty to inform President Obama of the illegal CIA domestic intelligence activities in order that President Obama can comply with his 50 U.S.C. § 413 (b) of the National Security Act, Reports concerning illegal intelligence activities, “shall” duty to file a “corrective action” plan. “The President shall ensure that any illegal intelligence activity is reported promptly to the congressional intelligence committees, as well as any corrective action that has been taken or is planned in connection with such illegal activity.” Emphasis Added.

There is an Article II public interest in the public knowing that FBI Director Comey knows that the July, 2014 DNI PPD-28 Interim Report discussed the “**CIA exceptions**” to the “exclusivity provision” of the FISA of 1978. The public has an interest in knowing whether FBI Director Comey has “defrauded” President Obama re CIA violations of the FISA “exclusivity provision.” There is an Article II public interest in knowing that FBI Director Comey knows that President Obama does not know whether the July, 2014 “OLC Riley v California Memo” cites to the AAG of the OLC Olson’s May 24, 1984 Top Secret Memo sent to AG Smith, Activities Not Covered Under the Foreign Intelligence Surveillance Act of 1979. “Traditional Fourth Amendment analysis holds that once evidence is constitutionally seized, its dissemination or subsequent use raises no additional Fourth Amendment question.” Emphasis added.

There is an Article II public interest in knowing whether FBI Director Comey knows that President Obama does not know why on September 5, 2014 AG Holder approved the re-reclassification of the March 18, 2011 reclassified May 6, 2004 Top Secret “OLC Goldsmith FISA Memo.” FBI Director Comey knows this is Article II evidence of FBI Director Comey knowing of the September 5, 2014 “defrauding” of President Obama. See 9-15-14 OLC WP § F.

There is an Article II public interest in knowing whether FBI Director Comey knows that on September 11, 2014, AG Holder appointed former-Director of the Fraud Section of the Commercial Litigation Branch Joyce Branda to be Acting AAG of the Civil Division. She knows that the 1990s DOJ IMC *qui tam* file reveals whether HHS General Counsel Juan del Real (1981-1985) and IMC Chief of Staff del Real (1985-1986) had been CIA Director Casey’s illegal CIA domestic agent. If so, then FBI Director Comey knows that he has a duty to inform President Obama that a § 413 (b) corrective action plan should be filed to cure illegal CIA domestic “special activities” of the illegal CIA domestic agent Juan del Real. See § S below.

E. The Article III reason for public interest waiver of fees

The Robert II v CIA and DOJ plaintiff incorporates by reference his reason for requesting a waiver of FOIA fees for an Article III reason as explained in his February 7, 2014 *de novo* FBI FOIA request § E. However, he adds an additional Article III public interest factor that occurred since the February 7, 2014 *de novo* FBI FOIA request was filed. This additional factor was DNI Clapper's November 6, 2014 partial declassification decision of FISC Judge Raymond Dearie's Top Secret September 11, 2014 In re Application of the Federal Bureau of Investigation For an Order Requiring the Production of -redacted-, Order and posting that Order at <http://www.dni.gov/files/documents/1106/BR%2014-125%20Primary%20Order.pdf>. This order extended the NSA metadata program to December 5, 2014. See 11-24-14 OLC Appeal § M.

The plaintiff asserts that FBI Director Comey knows that FISC Judge Dearie's September 11, 2014 In re FBI metadata Order was issued without FISC Judge Dearie (2012-) being informed of the "FISA secret law" of the May 24, 1984 Top Secret "OLC Olson FISA Memo," the September 5, 2014 re-reclassified March 18, 2011 reclassified May 6, 2004 Top Secret "OLC Goldsmith FISA Memo," and the July, 2014 Top Secret "OLC Riley v California Memo." FBI Director Comey, the 2003-2005 DAG, also knows that AG Smith had known that EDNY U.S. Attorney Dearie (1982-1986) did not know of the May 24, 1984 Top Secret FISA Memo that AAG of the OLC Olson sent to AG Smith, Activities Not Covered Under the Foreign Intelligence Surveillance Act of 1979, when EDNY U.S. Attorney Dearie was AG Smith's lead attorney in United States v. Duggan, 743 F.2d 59 (2nd Cir. 1984). In Duggan the Second Circuit determine that the FISA of 1978 was constitutional as applied by AG Smith as per the representations made by EDNY U.S. Attorney Dearie. See 9-15-14 OLC WP § U.

FISC Judge Dearie's September 11, 2014 Findings reveal his understanding of the facts presented by AG Holder and FBI Director Comey in their FISC petition for the In re FBI Order. FISC Judge Dearie cites to E.O. 12333 and FISC approved "minimization" standards:

1. There are reasonable grounds to believe that the tangible things are sought are relevant to authorized investigations (other than threat assessments) being conducted by the FBI under guidelines approved by the Attorney General under Executive Order 12333 to protect against international terrorism, which investigations are not being conducted solely upon the basis of activities protected by First Amendment to the Constitution of the United States. (50 U.S.C. § 1861 (c)(1)). ...Emphasis added. Id. 2.

There is an Article III public interest because FBI Director Comey knows whether 1982-2014 AGs and FBI Directors had not informed any of the FISC Judges that the 1982-2014 CIA Directors were conducting "back door" warrantless queries of the 1982-2014 E.O. 12333 Top Secret "FISA exempt" NSA TSP "haystacks of U.S. citizens' comingled stored content data. FBI Director Comey knows that if Nominee Lynch is confirmed, then she will be filing a FISC petition to extend FISC Judge Dearie's In Re FBI Primary Order every 90 days. This will be after President Obama makes his decision whether to accept DNI Clapper's January 17, 2015 PPD-28 Report re the DNI's recommendation as to the storage of the 1982-2014 E.O. 12333 Top Secret "FISA exempt" NSA TSP "haystacks" of U.S. citizens' comingled stored content data.

F. FBI Director Comey's constructive knowledge of the # 1 "FBI Abshire documents"

FBI Director Comey has constructive knowledge of the # 1 "FBI Abshire documents" that reveal whether FBI Director Judge Webster knew in December, 1986 that CIA Director Casey was conducting illegal CIA domestic "special activities" at IMC and the NSA in serial violation of the National Security Act and E.O. 12333 limitations on CIA domestic activities. The Robert II v CIA and DOJ plaintiff asserts that these December, 1986 "FBI Abshire documents" are subject to President Obama's December 29, 2009 E.O. 13526, § 3.3 Automatic Declassification, 25 year rule (1986+25=2011). The *de novo* FOIA requester asserts that FBI General Counsel Baker has actual knowledge that the "FBI Abshire" documents are connect-the-dots documents to the Robert II v CIA and DOJ classified 1985 "North Notebook" that are presently being withheld by co-defendants CIA Director Brennan and AG Holder in violation of the same 25 year rule (1985+25=2010). See 2-22-12 OGIS FBI WP § M.

FBI General Counsel Baker, AG Holder's 2009-2011 Associate DAG, knows that David Abshire was a 1981-1982 Member of the President's Foreign Intelligence Advisory Board (PFIAB). He knows that President Reagan appointed him to be his Special Counselor during the Article II Tower Commission's investigation of the Iran-Contras Affair. He knows that Special Counselor Abshire retained Judge Charles Brower to be his attorney who negotiated the handling of the 3000 documents that were subject to review by FBI Director Judge Webster's December 1986 "task force of departmental general counselors" who withheld 3000 documents from the Tower Commission in order to protect the sources and methods of CIA Director Casey.

As explained by President Reagan's Special Counselor David Abshire in his Memoir Saving the Reagan Presidency: Trust is the Coin of the Realm, these 3000 classified documents were not provided to the Tower Commission, the Joint Senate-House Committee, or Independent Counsel Lawrence Walsh for their Iran-Contras investigations. "I am proud to say that our intelligence methods and sources have been protected –unlike what happened in the Church and Pike Committee investigations of the 1970s." Id. at 113. Emphasis Added." Id. 47.

If AG Nominee Lynch is confirmed as AG Holder's successor, then she will become the successor AG co-defendant in Robert II v CIA and DOJ. If co-defendant Lynch does not agree to a quiet settlement, then Judge Seybert will be deciding the plaintiff's Motion for a Summary Judgment. The plaintiff will be citing Judge Seybert to the "FBI Abshire documents" as providing AG Lynch with actual knowledge of whether FBI Director Comey has constructive knowledge of the fact that FBI Director Judge Webster knew that CIA Director Casey had conducted an illegal CIA domestic "special activity" at IMC, and knew whether CIA Director Casey and AG Meese had "defrauded" President Reagan. See 2-22-12 OGIS FBI WP § C.

The FBI FOIA Officer should be consulting with FBI General Counsel Baker re the FOIA Exemption to be used to deny the *de novo* request for these documents that are subject to the President Obama's December 29, 2009 E.O. 13526, § 3.3 Automatic Declassification, 25 year rule (1986+25=2011). FBI General Counsel Baker knows that FBI Director Comey's FOIA Officer's denial of the request for the "FBI Abshire documents" will be subject to the plaintiff's 2015 Robert VIII v DOJ, HHS, and SSA Motion filed with Judge Garaufis seeking a pre-clearance Order to file a new complaint. If AG Nominee Lynch is confirmed as AG Holder's successor, then she will decide whether to oppose the plaintiff's 2015 Motion. See §§ N-S below.

G. FBI Director Comey's constructive knowledge of the # 2 "FBI copy of joint FBI-DOJ-HHS "IMC Final Investigative Report"

FBI Director Comey has constructive knowledge of the # 2 "FBI copy of joint FBI-DOJ-HHS "IMC Final Investigative Report." FBI General Counsel Baker knows that this June, 1987 document is also subject to the President Obama's December 29, 2009 E.O. 13526, § 3.3 Automatic Declassification, 25 year rule (1987+25=2012). He knows that this is a connect-the-dots document with the Robert II v CIA and DOJ 1985 "North Notebook" documents because it reveals whether the 1984-1987 FBI-DOJ-HHS "Fraud against the Government" investigation of IMC was a "cover" to protect the illegal CIA domestic "special activity" conducted at CIA Director Casey's "off-the-shelf" CIA domestic IMC medical delivery system. See 2-22-12 § N.

FBI General Counsel Baker also knows that this is the FBI "copy" of the DOJ "IMC Final Investigative Report" that was at issue in Robert VIII v DOJ, HHS, and SSA, 439 Fed. Appx 32 (2d Cir. 2011), cert. den. 132 S. Ct. 1549 (2012). FBI General Counsel Baker knows that the DOJ Robert VIII v DOJ, HHS, and SSA case file notes and e-mails reveal whether the DOJ "due diligence" search for the DOJ "IMC Final Investigative Report" that could not be located, was a sham intended to deceive Judge Garaufis and the Second Circuit. See the 11-30-11 Robert VIII Petition Statement of the Case § G. <http://snowflake5391.net/Robert8vDOJpetition1.pdf>

FBI General Counsel Baker also knows Acting AAG of the Civil Division Joyce Branda had been a Civil Division attorney since 1982. She was a trial attorney, Assistant Director, Deputy Director, and Director of the Fraud Section of the Commercial Litigation Branch that included the False Claims Act *qui tam* suits. He knows that she knows that the Civil Division IMC *qui tam* case file reveals whether DOJ took over the IMC *qui tam* law suit because IMC Chief of Staff Juan del Real had been CIA Director Casey's illegal CIA domestic agent at IMC. See April 14, 1988 House Committee on Government Operations Report: Medicare Health Maintenance Organizations: The International Medical Centers Experience. Miami Mystery: Paid to Treat Elderly, IMC Moves in Worlds of Spying and Politics: Medicare Money Flowed in: Only Mr. Recarey Knows Where It Flowed Next: Congress, "bugs" and Mob. WSJ 8-9-88.

FBI General Counsel Baker also knows that Acting AAG of the Civil Division Branda is now EDNY U.S. Attorney Lynch's "command and control" officer in Robert II v CIA and DOJ. As a result, FBI General Counsel Baker knows that Acting AAG of the Civil Division Branda knows whether the EDNY U.S. Attorney "stovepipe" bypasses EDNY U.S. Attorney Lynch in order that President Obama's AG Nominee Lynch does not learn the joint FBI-DOJ-HHS "Fraud Against the Government" investigation of IMC was a sham "cover" to protect the sources and methods of CIA Director Casey's illegal CIA domestic agent Juan del Real when he was the 1981-1985 HHS General Counsel and when he was the 1985-1986 IMC Chief of Staff.

FBI General Counsel Baker knows that if the Senate confirms President Obama's AG Nominee Lynch, then AG Lynch will become the "command and control" officer of Acting AAG of the Civil Division Branda with Top Security clearance to read the "FBI copy of joint FBI-DOJ-HHS "IMC Final Investigative Report." and learn whether HHS General Counsel del Real-IMC Chief of Staff del Real had been CIA Director Casey's illegal CIA domestic agent. If Nominee Lynch is confirmed, then Robert II v CIA and DOJ co-defendant Lynch will have a due diligence duty to learn the whereabouts of the DOJ copy of the "IMC Final Investigative Report."

H. FBI Director Comey's constructive knowledge of the # 3 "FBI copy of February 25, 1987 "Perot" documents

FBI Director Comey has constructive knowledge of the # 3 "FBI copy of February 25, 1987 'Perot' documents." FBI General Counsel Baker knows that these 1987 "Perot" documents are also subject to the President Obama's December 29, 2009 E.O. 13526, § 3.3 Automatic Declassification, 25 year rule (1987+25=2012). This is an important fact because on February, 25, 1987 President Reagan turned these "Perot" documents over to FBI Director Judge Webster as reported in the Reagan Diaries, Brinkley, HarperCollins, 2007. As a result, FBI Director Comey has custody of these FBI archived documents. See 9-15-14 OLC WP § P.

In the 1980s, Mr. H. Ross Perot's Electronic Data Systems (EDS) processed HHS provider payments. This included payments to IMC. If President Obama's AG Nominee AG Lynch is confirmed, then she can read the Robert II v CIA and DOJ 1985 CIA classified "North Notebook" 9/16/85 North-Call to Perot document. <http://snowflake5391.net/perot.pdf>. She can determine if this is a connect-the-dots document to the # 3 "FBI copy of February 25, 1987 'Perot' documents." She can also determine whether this is a connect-the-dots document to the December 2, 1985 \$ 20 million IMC voucher that was administered by IMC Chief of Staff Juan del Real. <http://www.snowflake5391.net/IMC.pdf>. See 2-22-12 OGIS FBI WP § O.

FBI General Counsel Baker knows that the 1987 "Perot" documents are connect-the-dots document with the Robert II v CIA and DOJ 1985 "North Notebook" documents if they reveal that the "chicanery and corruption" at CIA and DOJ that Mr. Perot identified for President Reagan, involved the use of unaudited HHS funds to pay for CIA domestic "special activities" that were not funded with classified OMB Budget funds. FBI General Counsel Baker knows why the NARA copy of these documents are being withheld pursuant to the decision of AG Holder and WH Counsel Eggleston to ratify the decision of the Estate of President Ronald Reagan to assert executive privilege to withhold the NARA FOIA requested documents. See the 1-23-12 OGIS NARA WP § J. http://snowflake5391.net/1_23_12_OGIS_NARA_WP.pdf.

The # 3 "FBI copy of February 25, 1987 "Perot" documents reveal that after FBI Director Webster became the May 26, 1987-August 31, 1991 CIA Director, he had withheld from IC Walsh the fact that he knew that an illegal domestic CIA "black operation" had been conducted at IMC. This is an important time line fact because his CIA successor Robert M. Gates (November 6, 1991-January 20, 1993), would become the 2006-2011 DOD Secretary with the knowledge of IMC "black operation" facts not contained in IC Walsh's August 4, 1993 Final Report of the Independent Counsel for Iran/Contra Matters. FBI Director Comey should know this fact because DOD Secretary Gates had been CIA Director Casey's 1982-1986 CIA Deputy Director for Intelligence when the illegal CIA-DIA "black operation" was conducted at IMC.

FBI General Counsel Baker knows the # 3 "FBI copy of February 25, 1987 "Perot" documents are 2014 "Past is Prologue" documents because they reveal CIA-DIA domestic sources and methods not reported to Congress in violation of § 413 (a) of the National Security Act. FBI General Counsel Baker should provide FBI Director Comey a memo as to the who, what, where, when, why, and how knowledge FBI Directors Webster (1978-1987), (Acting) Otto (1987), Sessions (1987-1993), (Acting) Clarke (1993), Freeh (1993-2001), (Acting) Pickard (2001), and Mueller (2001-) of the illegal DIA-CIA "special activity" at IMC.

I. FBI Director Comey's constructive knowledge of the # 4 FBI copy of Robert v National Archives "FBI Agent Allison" documents

FBI Director Comey has constructive knowledge of the # 4 "FBI copy of Robert v National Archives 'FBI Agent Allison' documents." FBI General Counsel Baker knows that these "FBI Agent Allison" documents are subject to the President Obama's December 29, 2009 E.O. 13526, § 3.3 Automatic Declassification, 25 year rule (1989+25=2014). This is an important fact because FBI Director Comey has custody of these FBI archived documents that reveal what FBI Agent Allison knew on March 29, 1989 and whether she was ordered not to inform Independent Counsel (IC) Walsh of the IMC facts. See 2-22-12 OGIS NARA WP § P.

FBI Agent Allison was FBI Director Judge Sessions' designated FBI agent as the liaison with IC Walsh. She met with Robert on March 29, 1989 in the Office of IC Walsh. She had custody of the documents that Robert asserted revealed that an illegal CIA "black operation" had been conducted at IMC in violation of the Boland Amendment, § 413 of the National Security Act, and the Social Security Act. The "FBI Agent Allison" documents are a subset of the documents sought in the Robert II v CIA and DOJ plaintiff's January 23, 2012 request for OGIS NARA facilitation services seeking the release of the NARA "Robert v National Archives 'Bulky Evidence File'" documents that had been in the 2008 custody of NARA Deputy Director Adrienne Thomas. See http://snowflake5391.net/1_23_12_OGIS_NARA_WP.pdf

The # 4 "FBI copy of Robert v National Archives "FBI Agent Allison" documents also reveal whether FBI General Counsel Baker knows that FBI Director Comey knows that CIA Director Judge Webster knew on March 29, 1989 that either FBI Director Judge Sessions or FBI Agent Allison had "defrauded" IC Walsh by not informing him of the CIA-DIA-FBI "black operation at IMC. This is an important fact because of the Robert II v CIA and DOJ plaintiff's June 25, 2014 NARA appeal of the President Reagan Library Archivist June 2, 2014 decision to withhold the NARA "Robert v National Archives 'Bulky Evidence File,'" NARA "Perot", and the NARA "Peter Keisler Collection" documents by application of the Estate of President Reagan's use of the execute privilege defense. See the 6-25-14 NARA Presidential Records Act documents appeal WP §§ D, G posted at http://snowflake5391.net/6_25_14_NARA_Final.pdf

FBI General Counsel Baker knows that the Robert v National Archives, 1 Fed. Appx. 85 (2d Cir. 2001), case file notes and e-mails reveal whether the EDNY U.S. Attorney "stovepipe" bypassed EDNY U.S. Attorney Loretta Lynch (1999-2001) in order that she would not know that the "FBI Agent Allison" documents reveal whether FBI agent Allison had withheld material facts from IC Walsh. He knows that those DOJ case file notes and e-mails reveal whether FBI Agent Allison's 1989 "command and control" officer was FBI Director Judge Sessions (1987-1993). If so, then he knows the historic significance of these 1989 documents that a confirmed AG Lynch would have Top Security clearance to read and report to President Obama in order that the President could comply with his § 413 (b) of the National Security Act "shall" duty to file a "corrective action" plan to remedy illegal CIA intelligence activities. See §§ N, S below.

Hence, the importance of FBI General Counsel Baker providing an accurate "heads up" memo to FBI Director Comey re the # 4 "FBI copy of Robert v National Archives 'FBI Agent Allison' documents" that will be subject to plaintiff's 2015 Robert VIII v DOJ, HHS, and SSA Motion to Judge Garaufis. FBI Director Comey, himself, should make this FOIA decision.

J . FBI Director Comey’s constructive knowledge of the # 5 “FBI unredacted copy of Robert v DOJ “62-0 file” documents

FBI Director Comey has constructive knowledge of the # 5 “FBI unredacted copy of Robert v DOJ “62-0 file” documents. FBI General Counsel Baker knows the 1988 Robert “62-0” file documents are subject to the President Obama’s December 29, 2009 E.O. 13526, § 3.3 Automatic Declassification, 25 year rule (1988+25=2013). This is an important fact because FBI Director Comey has custody of the 1980s Robert “FBI 62-0 file” documents that reveal the facts that Robert had provided to FBI Director Judge Sessions (1987-1993) to back up his allegations that FBI Director Judge Webster had known of CIA Director Casey’s illegal CIA domestic “special activities” at IMC and the illegal warrantless surveillance of Robert during the “Fraud Against the Government” investigation of Robert. See 2-22-12 OGIS FBI WP § Q.

The Robert FBI “62-0” file documents have “Past is Prologue” significance because in 1987 Assistant Director, Executive Assistant Director Floyd Clarke knew of the existence of the Robert “62-0” file when he was the FBI’s liaison to the VP Bush’s Task Force on Terrorism. This is a connect-the-dots file to the FBI FOIA requested # 8 “FBI Charles Robert documents including NSLs sent to banks and ISP” now in the FBI’s custody. See 7-27-10 Robert VIII v DOJ, HHS, and SSA WP §§ AA, AAA. http://snowflake5391.net/7_27_10_RobertVIII.pdf

The # 5 “FBI unredacted copy of Robert v DOJ ‘62-0 file’ documents” are documents that FBI Director Judge Sessions had in his 1988 custody documents which asserted that an illegal CIA-DIA-FBI “black operation” had been conducted at IMC through which unaudited HHS funds were used to pay for medical treatment and supplies of the Contras in violation of the Boland Amendment, § 413 (a) of the National Security Act, and the Social Security Act. These are “Past is Prologue” documents because FBI Director Comey has a duty to inform President Obama that the FBI had 1988 knowledge of the allegations that an illegal domestic CIA-DIA-FBI “black operation” had been conducted at IMC. President Obama should know these FBI facts when he makes his executive privilege decision re the NARA 1986 “Peter Keisler Collection,” NARA 1987 “Perot,” and NARA 1989 “FBI Agent Allison” documents. See 1-23-12 NARA OGIS §§ M-P and 6-25-14 NARA Presidential Records Act documents appeal WP §§ B-D.

The # 5 “FBI unredacted copy of Robert v DOJ “FBI 62-0 file” documents also establish that Assistant Director, Executive Assistant Director Floyd Clarke knew in 1987 of the illegal CIA domestic “black operation” being conducted at IMC. This is an important *mens rea* time line fact because he would become the Acting FBI Deputy Director from July 19, 1993 – September 1, 1993 prior to when FBI Director Judge Freeh was confirmed. He knew why the “62-0 file” documents had been redacted. See 7-27-10 Robert VIII WP §§ M, N, AA.

FBI General Counsel Baker knows the legal significance of the 1980s Robert “FBI 62-0” file because of his March 1, 2004 decision as OIPR Counsel Baker, to ratify the CIA Director Tenet’s FOIA Officer’s decision to use the “Glomar Response” defense to withhold 1980s “FISC Robert” documents. He knew on March 1, 2004 whether then-CIA Deputy Executive Director Brennan (2002-2004), then-WH Counsel Gonzales, AG Ashcroft (2001-2004), DAG Comey (2003-2005), FBI Director Mueller (2001-2014), and AAG of the Civil Division Peter Keisler (2003-2007), all knew that the 1982-2004 CIA Directors had conducted illegal “back door” warrantless queries of the E.O. 12333 Top Secret “FISA exempt” NSA TSP data sets.

K. FBI Director Comey’s constructive knowledge of the # 6 “FBI Robert III v DOJ ‘Recarey extradition’” documents

FBI Director Comey has constructive knowledge of the # 6 “FBI Robert III v DOJ ‘Recarey extradition’” documents. FBI General Counsel Baker knows the “Recarey extradition” documents reveal why FBI Director Judge Louis Freeh (1993-2001), made the decision not to extradite the fugitive IMC President Miguel Recarey from Spain. FBI General Counsel Baker knows whether the “Recarey extradition” documents reveal that IMC President Recarey had been CIA Director Casey’s illegal CIA domestic agent who had been tasked to administer CIA Director Casey’s off-the-shelf medical delivery system to provide medical care for wounded Central American freedom fighters trained by CIA covert agents that included the Contras both before and after the October 12, 1984 Boland Amendment. See 2-22-12 OGIS FBI § R.

FBI General Counsel Baker knows whether FBI Director Comey knows the content of the # 6 “FBI Robert III v DOJ ‘Recarey extradition’ documents.” These FBI documents reveal whether FBI Director Judge Freeh and FBI General Counsels Parkinson (1997- 2002) and Wainstein (2002-2003) had in Robert III v DOJ, cv 01-4198 (Gershon, J), withheld material facts from Judge Gershon. If so, then they were implementing the Barrett v. United States, 798 F. 2d 565 (2d Cir. 1986), “nonacquiescence” policy by withholding material facts from Judge Gershon. “Finally, acceptance of the view urged by the federal appellants would result in a blanket grant of absolute immunity to government lawyers acting to prevent exposure of the government in liability.” Id. 573 Emphasis Added. See 7-27-10 Robert VIII WP §§ E-G, Y.

FBI General Counsel Baker knows whether the # 6 “FBI Robert III v DOJ ‘Recarey extradition’ documents” contain a “c (3) exclusion” *ex parte* Declaration that was filed on behalf of FBI Director Mueller by either FBI General Counsel Parkinson or FBI General Counsel Wainstein. If so, then he knows from reading the “c (3) exclusion” *ex parte* Declaration whether the FBI General Counsels had withheld material facts from Judge Gershon re the CIA-DIA-FBI “black operation” that had been conducted at IMC by CIA Director Casey and IMC President Recarey with the 1985 knowledge of FBI Director Judge Webster.

FBI General Counsel Baker knows that if the FBI General Counsels had withheld the material fact from Judge Gershon that IMC President Recarey had been CIA Director Casey’s illegal CIA domestic agent, then the FBI General Counsels had made Judge Gershon the “handmaiden” of AG Ashcroft and FBI Director Mueller. “Under no circumstances should the Judiciary become the handmaiden of the Executive.” Doe, et. al. v Mukasey, Mueller, and Caproni, 549 F 3d 861, 870 (2d Cir. 2008). See 2-12-12 OGIS FBI WP §§ U-Y.

FBI General Counsel Baker know that if President Obama’s AG Nominee Lynch is confirmed, then she will have Top Security clearance to read the “Recarey extradition” documents along with any Robert III v DOJ “c (3) exclusion” *ex parte* Declarations filed with Judge Gerson. After reading these documents, AG Lynch will know whether the Barrett “nonacquiescence” policy had been implanted whereby material facts were withheld from Judge Gershon in order to make her the “handmaiden” of AG Ashcroft and FBI Director Mueller. If so, then AG Lynch would know that she had an affirmative duty to so inform President Obama in order that he could comply with his § 413 (b) of the National Security Act “shall” duty to file a “corrective action” plan to remedy illegal CIA intelligence activities. See §§ N-S below.

L. FBI Director Comey's constructive knowledge of the # 7 "FBI Robert VII v DOJ "FISC Robert" documents

FBI Director Comey has constructive knowledge of the # 7 "FBI Robert VII v DOJ 'FISC Robert' documents. FBI General Counsel Baker knows the 1984-1987 "FBI Robert VII v DOJ 'FISC Robert' documents are subject to the President Obama's December 29, 2009 E.O. 13526, § 3.3 Automatic Declassification, 25 year rule (1988+25=2013). This is an important fact because FBI Director Comey has custody of the # 7 "FBI Robert VII v DOJ "FISC Robert" documents that reveal whether FBI Director Judge Webster knew in 1985 that Robert was the illegal target of the E.O. 12333 Top Secret "FISA exempt" NSA TSP because there was zero FBI evidence that Robert was a terrorist or an agent of a foreign power. See 2-22-12 NARA § S.

FBI General Counsel Baker knows that as the OIPR Counsel he had read the "FISC Robert" documents when he made his March 1, 2004 decision to ratify the CIA FOIA Officer's decision to withhold these documents based on FOIA exemption 1 and the "Glomar Response" defense. He knows why the CIA used these defenses when he filed his October 1, 2004 "corrected" Robert VII v DOJ Declaration. <http://www.snowflake5391.net/baker.pdf>.

FBI General Counsel Baker knows that after the Second Circuit January 28, 2006 Robert VII v DOJ, 2005 U.S. Dist. LEXIS 39616, 193 Fed. Appx. 8 (2d Cir. 2006), cert. den. 127 S.Ct. 1133 (2007), oral argument, the Second Circuit panel of Judges Guido Calabresi, Chester Straub, and Richard Wesley issued its March 9, 2006 Order asking the teed up question for the parties to Brief: was Robert a 50 U.S.C. § 1806 (f) aggrieved person? FBI General Counsel Baker knows that AAG of the Civil Division Keisler (2003-2007) knew that Robert had been the illegal 1980s target of the E.O. 12333 Top Secret "FISA exempt" NSA TSP and, therefore, knew that Robert was a FISA "aggrieved person." See 11-30-11 Robert VIII petition for a writ of certiorari § B, pp 13-14. <http://snowflake5391.net/Robert8vDOJpetition1.pdf>

FBI General Counsel Baker knows that the DOJ Robert VII v DOJ, HHS, and SSA case file notes and e-mails reveal why AAG of the Civil Division Keisler assigned to EDNY AUSA Kathleen Mahoney, AG Gonzales' compliance with the March 9, 2006 Order. FBI General Counsel Baker knows that AUSA Mahoney did not have clearance to read the Top Secret "Robert FISC" documents when she filed her FRCP 11 signed April 3, 2006 letter-Brief and informed the Second Circuit that Robert was not an "aggrieved person" by application of 50 U.S.C. § 1806 (f). <http://www.snowflake5391.net/RobertvDOJbrief.pdf>.

FBI General Counsel Baker knows that FBI Director Comey will know from reading AUSA Mahoney's FRCP 11 signed April 3, 2006 letter Brief and the Robert VII v DOJ case file notes and e-mails, that FBI General Counsel Baker knows that AUSA Mahoney had breached the Pavelic & Le Fore v Marvel Entertainment Group, 110 S. Ct. 456 (1989), "this is not a team effort" standard. "The message there by conveyed to the attorney, that this is not a "team effort" but in the last analysis yours alone, precisely to the point of Rule 11." Id. 459. Emphasis added.

If FBI Director Comey learns that Robert was a 1985 FISA "aggrieved person" by application of 50 U.S.C. § 1806 (f), then FBI Director Comey should be making the decision whether to docket this *de novo* FOIA request. When the plaintiff files his Robert VIII Motion with Judge Garaufis, it will be FBI Director Comey's integrity at issue. See §§ N-S below.

M. FBI Director Comey's constructive knowledge of the # 8 "FBI Charles Robert documents including NSLs sent to banks and ISP" documents

FBI Director Comey has constructive knowledge of the # 8 "FBI Charles Robert documents including NSLs sent to banks and ISP" documents. FBI General Counsel Baker knows that each time an FBI agent sent a Robert FBI NSL to Robert's banks and his ISP, that there is an FBI record as to reason why that the NSL was sent. FBI General Counsel Baker knows that the FBI NSL case file notes and e-mails reveal whether FBI General Counsels Howard Shapiro (1993-1997), Larry Parkinson (1997-2002), Kenneth Wainstein (2002-2003) Valerie Caproni (2003-2011), and Andrew Weissmann (2011-2014) had approved the use of the NSLs with knowledge of the "FISC Robert" transcripts in the Charles Robert FBI case file that were used during the 1980s joint "Fraud Against the Government" investigation of Robert initiated by HHS General Counsel del Real, as an illegal CIA domestic agent. See 2-22-12 NARA FBI § T.

FBI General Counsel Baker knows from reading the # 8 "FBI Charles Robert documents including NSLs sent to banks and ISP" documents, the actions taken by the FBI agents who were ordered to target and investigate Robert. These are connect-the-dots documents to the "Robert v Holz" documents which reveal why Robert was the target of the "Fraud Against the Government" investigation that was initiated by HHS General Counsel Juan del Real, as a CIA domestic agent. They are connect-the-dots documents to the Robert VII v DOJ "FISC Robert" documents that reveal the facts provided by the FBI counterintelligence "plumber unit" to FBI Director Judge Webster that indicated that the FBI had evidence that Robert was a terrorist or an agent of a foreign power. See 11-30-11 Robert VIII Petition §§ A-D and §§ N, S below.

FBI General Counsel Baker knows that the # 8 "FBI Charles Robert documents including NSLs sent to banks and ISP" documents, reveal FBI General Counsel Caproni's concerted actions with DOJ attorneys that led to Judge Garaufis' December 9, 2005 Robert VIII injunction Order and the December 14, 2005 Robert VIII Clerk's Judgment that enjoined Robert from filing a FOIA request without a pre-clearance Order from Judge Garaufis. The amended injunction continues in 2014 to impact Robert's access to the federal courts. As a result, these # 8 FBI documents will be evidence in Robert's putative Bivens action alleging a violation of his First Amendment right of access to the Courts as per the elements explained in Christopher v. Harbury, 121 S. Ct. 2171 (2001). "Whether an access claim turns on a litigating opportunity yet to be gained or an opportunity already lost, the very point of recognizing any access claim is to provide some effective vindication for a separate and distinct right to seek judicial relief for some wrong." Id. 2186. Emphasis added. See 7-27-10 Robert VIII WP § AAA and § S below.

FBI General Counsel Baker also knows whether the # 8 "FBI Charles Robert documents including NSLs sent to banks and ISP" documents, contain evidence that FBI agents provided facts re Robert's escrow accounts to government attorneys which they provided to the New York State Second Department Grievance Committee This is a "smoking gun" FBI fact if the FBI General Counsels knew that HHS General Counsel del Real was CIA Director Casey's CIA domestic agent when he initiated the "Fraud Against the Government" investigation of Robert seeking Robert's disbarment. If so, then NYS Judiciary Law § 487, Misconduct by attorneys, applies to the attorneys who provided the Grievance Committee with information re the five million dollars posted in Robert's escrow accounts that did not exist. "1. Is guilty of any deceit or collusion, or consents to any deceit or collusion, with intent to deceive the court or any party;"

N. The *de novo* FBI FOIA requested documents and the requester's 2015 Robert VIII v DOJ, HHS, and SSA Motion seeking Judge Garaufis' pre-clearance order to file a FOIA complaint seeking the release of these eight sets of FBI documents

The *de novo* FBI FOIA requester places FBI Director Comey's FOIA Officer on Notice that he anticipates another decision not to docket or process this December 19, 2014 *de novo* FBI FOIA request. In the alternative, he anticipates a denial of the *de novo* FOIA request with different FOIA exemptions applying to the eight sets of FBI FOIA requested documents.

The *de novo* FBI FOIA requester places FBI Director Comey's FOIA Officer on Notice that he intends to file a 2015 Robert VIII v DOJ, HHS, and SSA Motion seeking Judge Garaufis' pre-clearance Order to file a new FOIA complaint seeking these eight sets of FBI documents along with three sets of OLC Top Secret "FISA secret law" documents and three sets of NARA document that are now being withheld pursuant to President Reagan's Estate's assertion of executive privilege. See the 6-25-14 NARA Presidential Records Act documents appeal WP §§ B, C, D. http://snowflake5391.net/6_25_14_NARA_Final.pdf

The OLC Top Secret "FISA secret law" documents are the following:

1. The May 24, 1984 Top Secret classified Constitutionality of Certain National Security Agency Electronic Surveillance Activities Not Covered Under the Foreign Surveillance Act of 1979 of AAG of the OLC Theodore Olson, the "OLC Olson FISA Memo"
2. The September 5, 2014 re-reclassified March 18, 2011 reclassified May 6, 2004 Memorandum for the Attorney General: Review of the Legality of the (redacted b1,b3) Program, of AAG of the OLC Jack Goldsmith, the "OLC Goldsmith FISA Memo"
3. The OLC AP-2015-00955 July, 2014 "OLC Riley v California Memo" that is now awaiting an OLC Appeals decision.

The NARA documents are the following:

1. The NARA "Perot" documents
2. The NARA "Peter Keisler Collection" documents
3. The NARA "Robert v National Archives 'Bulky Evidence File' documents

The Robert VIII v DOJ, HHS, and SSA plaintiff will not file this Motion until after the Senate votes on the confirmation of President Obama's AG Nominee Loretta Lynch. If confirmed, then AG Lynch will have Top Security clearance to read these documents. The plaintiff will request that Judge Garaufis review *in camera* these sets of documents before deciding the plaintiff's Motion. The plaintiff anticipates that after the Motion is filed and if AG Lynch is a co-defendant, then she will consider the plaintiff's 2015 quiet settlement offer.

O. The December 16, 2014 letter from DOJ IG Horowitz Investigation Division re the June 25, 2014 Robert II v CIA and DOJ complaint against FBI Chief FOIA Officer Hardy for “defrauding” President Obama by not docketing February 7, 2014 FBI FOIA request

On December 16, 2014, DOJ IG Horowitz Investigation Division sent a letter to plaintiff Robert re the June 25, 2014 Robert II v CIA and DOJ complaint against FBI Chief FOIA Officer Hardy for “defrauding” President Obama by not docketing February 7, 2014 FBI FOIA request. This is an important time line letter because DOJ IG Horowitz’ staff has referred this complaint to OIP Director Melanie Pustay. DOJ IG Horowitz’ staff never docketed or processed the Robert II v CIA and DOJ plaintiff’s February 7, 2014 complaint against OIP Director Pustay for “defrauding” President Obama by not docketing December 3, 2013 OLC FOIA request for the May 24, 1982 Top Secret “OLC Olson FISA Memo” and the March 18, 2011 reclassified May 6, 2004 Top Secret “OLC Goldsmith FISA Memo.” See 12-3-13 OLC FOIA request for FISA Memos. http://snowflake5391.net/12_3_13_FISA_MEMOS.pdf. and 2-7-14 IG complaint re Pustay “defrauding” President Obama. http://www.snowflake5391.net/WP_IG.pdf.

The December 16, 2014 DOJ IG letter was not signed and there was no identification of its author. The DOJ IG anonymous letter stated in its entirety but with the underlined added:

The purpose of this letter is to acknowledge receipt of your correspondence dated June 25, 2014. The matters you raised are more appropriate for review by another office of Agency. Therefore, on April 18, 2014 your complaint was forwarded to:

U.S. Department of Justice
Office of Information Policy
1425 New York Avenue, N.W.
Washington D.C. 20530
Telephone number (202) 514-3642

Any further correspondence regarding this matter should be directed to that office.

I Hope this answers any questions you have relative to this matter.

FBI Director Comey’s FOIA Officer is placed on Notice that the plaintiff has no confidence in OIP Director Pustay taking any action re the Robert II v CIA and DOJ plaintiff’s June 25, 2014 complaint against FBI Chief FOIA Officer Hardy. OIP Director Pustay made the decision not to docket the Robert II v CIA and DOJ plaintiff’s December 3, 2013 OLC FOIA request for the May 24, 1982 Top Secret “OLC Olson FISA Memo” and the March 18, 2011 reclassified May 6, 2006 Top Secret “OLC Goldsmith FISA Memo.”

The FBI Director Comey’s FOIA Officer should seek guidance from FBI General Counsel Baker. He knows that CIA General Counsel Krass knows whether the July, 2014 “OLC Riley v California Memo” cites to the May 24, 1984 “OLC Olson FISA Memo” and the now September 5, 2014 re-reclassified May 6, 2004 “OLC Goldsmith FISA Memo.” If so, then the # 7 “FBI Robert VII v DOJ “FISC Robert” documents are “smoking gun” documents.

R. President Obama's December 18, 2014 appointment

On December 18, 2014, President Obama appointed CIA Deputy Director Avril Haines to be Principal Deputy National Security Adviser. “I have the utmost trust and confidence in Avril, and I know she will continue to play a critical role in my administration's efforts to keep our nation secure and promote American interests and values around the world.” Emphasis added. <http://www.whitehouse.gov/the-press-office/2014/12/18/statement-president-selection-avril-haines-deputy-national-security-advl>.

Principal Deputy National Security Adviser Haines from 2010-2013 had been President Obama's WH Counsel Deputy Assistant to the President and Deputy Counsel to the President for National Security Affairs. As a result, she had 2010-2013 knowledge as to whether President Obama was ever informed that the 1982-2013 CIA Directors had conducted “back door” warrantless queries of the 1982-2014 E.O. 12333 Top Secret “FISA exempt” NSA TSP “haystacks” of U.S. citizens' comingled stored content data. See 9-15-14 OLC WP §§ E, M, N, R, U, 11-24-14 OLC Appeal WP §§ D-J, and § B above.

Principal Deputy National Security Adviser Haines was in the Office of WH Counsels Greg Craig (2009-2010), Robert Bauer (2010-2011), and Kathryn Ruemmler (2011-2014). This is an important fact because she had access to the “Peter Keisler Collection” documents. 2003-2007 AAG of the Civil Division Peter Keisler had been the 1986-1988 Assistant and Associate WH Counsel for WH Counsel Fred Fielding (1981-1986), Peter Wallison (1986-1987), Arthur Culvahouse (1987-1989). The plaintiff's NARA FOIA request for the “Peter Keisler Collection” documents is now subject to WH Counsel W. Neil Eggleston (2014-) decision whether to ratify the Estate of President Reagan's executive privilege assertion. See 1-23-12 OGIS NARA WP §§ H, M-P. http://snowflake5391.net/1_23_12_OGIS_NARA_WP.pdf. See also 6-25-14 NARA Presidential Records Act documents appeal WP §§ B-H. http://snowflake5391.net/6_25_14_NARA_Final.pdf

On August 9, 2013, Principal Deputy National Security Adviser Haines had succeeded CIA Deputy Director Michael Morell. As a result, she knows whether Robert II v CIA and DOJ co-defendant CIA Director Brennan had conducted “back door” warrantless queries of the 1982-2014 E.O. 12333 Top Secret “FISA exempt” NSA TSP “haystacks” of U.S. citizens' comingled stored content data. As a result, she knows the “Past is Prologue” fact of whether FBI Director Judge Webster and AG Meese in 1985 had approved CIA Director Casey's queries of the 1982-1985 NSA TSP data sets based on the May 24, 1984, Top Secret OLC FISA Memo that AAG of the OLC Theodore Olson had sent AG Smith Re Constitutionality of Certain National Security Agency Electronic Surveillance Activities Not Covered Under the Foreign Intelligence Surveillance Act of 1979. “Traditional Fourth Amendment analysis holds that once evidence is constitutionally seized, its dissemination or subsequent use raises no additional Fourth Amendment question.” See 9-15-14 OLC WP §§ A-F and 11-24-14 OLC Appeal WP §§ B-F.

President Obama will trust the opinion of Principal Deputy National Security Adviser Haines as to whether the President should adopt DNI Clapper's January 17, 2015 PPD-28 Recommendation as to the storage of the 1982-2015 E.O. 12333 Top Secret “FISA exempt” NSA TSP “haystacks” of U.S. citizens' comingled stored content data. She knows whether the E.O. 12333 “CIA exceptions” are a violation of the “exclusionary provision” of the FISA.

S. The 2015 Robert VIII v DOJ, HHS, and SSA Motion seeking Judge Garaufis' pre-clearance order to file a FOIA complaint seeking the release of FBI documents, will be drafted in reliance upon the accuracy of FBI Director Comey's October 28, 2013 ceremonial taking of the Oath as to his view of the Integrity of FBI pleadings

The *de novo* FBI FOIA requester's 2015 Robert VIII v DOJ, HHS, and SSA Motion seeking Judge Garaufis' pre-clearance order to file a FOIA complaint seeking the release of FBI documents, will be drafted in reliance upon the accuracy of FBI Director Comey's October 28, 2013 ceremonial taking of the Oath as to his view of the Integrity of FBI pleadings. The Robert VII v DOJ plaintiff believes that if FBI Director Comey, the 2003-2005 DAG, reads the Robert VIII v DOJ, HHS, and SSA Motion filed with Judge Garaufis and the # 7 FBI Robert VII v DOJ "FISC Robert" documents, then he will recommend that AG Holder's successor consider the Robert II v CIA and DOJ plaintiff's quiet settlement offer that would moot the need for Judge Garaufis to decide the Robert VIII v DOJ, HHS, and SSA Motion that will assert that FBI Director Comey is withholding material FBI facts from the Court.

At FBI Director Comey's October 28, 2013 ceremonial oath taking, President Obama explained why he trusts FBI Director Comey:

It's just about impossible to find a matter of justice he has not tackled, and it's hard to imagine somebody who is not more uniquely qualified to lead a bureau that covers all of it -- traditional threats like violent and organized crime to the constantly changing threats like terrorism and cyber-security. So he's got the resume. Emphasis added.
<http://www.whitehouse.gov/the-press-office/2013/10/28/remarks-president-and-fbi-director-james-comey>

FBI Director Comey explained how "Integrity" on the FBI shield applies whenever FBI make decisions that are subject to judicial review:

And, finally, integrity. Integrity is derived from the Latin word "integer," meaning whole. A person of integrity is complete, undivided. Sincerity, decency, trustworthy are synonyms of integrity. It's on our shield because it is the quality that makes possible all the good that we do. Because everything we do requires that we be believed, whether that's promising a source that we will protect her, telling a jury what we saw or heard, or telling a congressional oversight committee or the American people what we are doing with our power and our authorities. We must be believed.

Without integrity, all is lost. We cannot do the good that all of these amazing people signed up to do. The FBI's reputation for integrity is a gift given to every new employee by those who went before. But it is a gift that must be protected and earned every single day. We protect that gift by making mistakes and admitting them, by making promises and keeping them, and by realizing that nothing -- no case, no source, no fear of embarrassment -- is worth jeopardizing the gift of integrity. Integrity must be on the FBI shield. Id. White House 10-28-13. Emphasis added.

FBI Director Comey could not have been clearer in his belief that FBI “Integrity” is maintained by the FBI correcting FBI mistakes. “We protect that gift by making mistakes and admitting them, by making promises and keeping them, and by realizing that nothing -- no case, no source, no fear of embarrassment -- is worth jeopardizing the gift of integrity.” *Id.* Emphasis added. This *de novo* FOIA request provides an opportunity for FBI Chief FOIA Officer Hardy and his FBI “command and control” officer to admit a mistake and then to remedy FBI mistakes rather than cover up FBI mistakes and, thereby place FBI Director Comey’s “Integrity” at risk.

On December 19, 2014, NY Times investigative reporters Matt Apuzzo and Michael Schmidt reported in F.B.I. Evidence is Often Mishandled an Internal Inquiry Finds, that FBI Director Comey was about to release an internal audit that revealed FBI human error mistakes. “A majority of the errors identified were due in large part to human error, attributable to a lack of training and program management oversight,” auditors wrote in the report, which was obtained by The New York Times.” *Id.* Emphasis added. FBI Director Comey knows this report will include some embarrassment, but that this was not a reason not to release this FBI document.

The Robert II v CIA and DOJ plaintiff-*de novo* FBI FOIA requester has asserted that FBI Director Judge Webster and his 1987-2014 FBI Director successors have made an ongoing FBI mistake by determining that the need to protect CIA domestic sources and methods, has trumped the FBI Directors’ affirmative duty not to “defraud” Presidents Reagan, Bush, Clinton, Bush, and Obama by not reporting illegal CIA domestic activities to their Presidents. As a result, their Presidents have not been able to fulfill their 50 U.S.C. § 413 (b) of the National Security Act, Reports concerning illegal intelligence activities, “shall” duty to file with Congress a “corrective action” plan that provides a remedy for illegal CIA domestic intelligence activities. “The President shall ensure that any illegal intelligence activity is reported promptly to the congressional intelligence committees, as well as any corrective action that has been taken or is planned in connection with such illegal activity.” *Id.* Emphasis Added.

The *de novo* FBI FOIA requester is further asserting that if FBI Director Comey learns that misrepresentations of facts have been made to Judges, then FBI Director Comey, the 2002-2004 SDNY U.S. Attorney, has an April 1, 2009 NYS Rules of Professional Conduct Rule 3.3(a)(3) duty to cure misrepresentations of fact and law made to Article III Judges including the FISC. “If a lawyer, the lawyer’s client, or a witness called by the lawyer has offered material evidence and the lawyer comes to know of the falsity, the lawyer shall take responsible remedial measures, including if necessary disclosure to the tribunal.” *Id.* Emphasis added.

The Robert II v CIA and DOJ plaintiff has filed this *de novo* FBI FOIA request out of courtesy and respect for FBI Director Comey. FBI Director Comey now has an opportunity to remedy the mistakes of his predecessors. If the FBI mistakes continue to be covered up, then FBI Director Comey’s “Integrity” will be at issue when Judge Garaufis reviews *in camera* the eight sets of FBI documents that will be at issue in the Robert VIII v DOJ, HHS, and SSA plaintiff’s Motion seeking a pre-clearance Order to file a 2015 FOIA complaint. See § N above.

Therefore, the FBI FOIA Officer should be consulting with FBI General Counsel Baker who has read the Robert VII v DOJ “FISC Robert” documents withheld pursuant to the CIA’s FOIA exemption 1 and the “Glomar Response” defense. He knows what is now at issue is the FBI “Integrity” of both FBI General Counsel Baker and FBI Director Comey.

T. Summary

This *de novo* FBI FOIA request was filed because of President Obama's November 8, 2014 nomination of EDNY U.S. Attorney Lynch to be AG Holder's successor. The plaintiff believes that if this *de novo* FBI FOIA request is docketed and processed, then FBI Director Comey will instruct FBI General Counsel Baker to read these eight sets of documents and provide a "heads up" memo that includes a possible quiet settlement of this FOIA request. That FBI FOIA quiet settlement could be part of a quiet settlement in Robert II v CIA and DOJ that could be quietly settled prior to AG Nominee Lynch's Senate Judiciary confirmation hearing.

Therefore, please docket this *de novo* FBI FOIA request by December 31, 2014. If the FBI FOIA requester does not receive a docket number by December 31, 2014 e-mail (charrobert@aol.com), then he will so advise Judge Seybert in Robert II v CIA and DOJ that FBI Director Comey's FOIA Officer has been ordered not to docket and process the Robert II v CIA and DOJ plaintiff's December 19, 2014 *de novo* FBI FOIA request.

If the FBI FOIA requester does not receive a docket number by December 31, 2014, then he will also file a *de novo* complaint with DOJ IG Michael Horowitz against FBI Chief FOIA Officer David Hardy for the same reasons as explained in the June 25, 2014 complaint posted at http://snowflake5391.net/ig_horowitz.pdf. If that DOJ Horowitz complaint is also not docketed and processed, then this cumulative evidence that there are no internal Article II check and balances to prevent the "defrauding" of President Obama. This is the "Past is Prologue" result of FBI Director Judge Webster, AG Meese, and CIA Director Casey "defrauding" President Reagan re the illegal CIA domestic "special activity" that was conducted at International Medical Center, Inc. in violation of the Boland Amendment and § 413 (a) of the National Security Act.

Given the gravity of the Robert II v CIA and DOJ plaintiff's assertions, FBI Director Comey's FOIA Officer should be consulting with FBI General Counsel Baker. Because he has read the Robert VII v DOJ "FISC Robert" documents withheld pursuant to the CIA's use of FOIA exemption 1 and the "Glomar Response" defense, he knows that the plaintiff's almost incredible allegation that FBI Director Judge Webster knew in 1985 that CIA Director Casey was conducting illegal CIA domestic "special activities" at IMC and the NSA, are true.

In December, 2006, CIA Director Hayden awarded OIPR Counsel Baker the George H.W. Bush Award for Excellence in Counterterrorism and on January 19, 2007 AG Gonzales awarded him the Edmund J. Randolph Award. These are the highest CIA and DOJ awards. Therefore, he has the gravitas to provide a "heads up" memo to FBI Director Comey that includes a recommendation that there should be a quiet settlement of this FBI FOIA request.

Thank you for docketing this *de novo* FBI FOIA request by December 31, 2014 and consulting with FBI General Counsel Baker.

Sincerely,

Charles Robert, pro se

cc. EDNY U.S. Attorney Loretta Lynch CIA General Counsel Caroline Krass
Acting Associate AG Stuart Delery Acting AAG of the Civil Division Joyce Branda