FEDERAL BUREAU OF INVESTIGATION

Precedence: PRIORITY

To: General Counsel
Inspection
Charlotte

Attn: NSLB
Attn: IIS
Attn: SAC
Attn: ASAC
Attn: SSA
Attn: CDC

From: Charlotte
Raleigh Resident Agency
Contact: SA

Approved By:

Drafted By:

Case ID #: (S) 278-HQ-C1229736-VIO (Pending)

Title: (S) INTELLIGENCE OVERSIGHT BOARD (IOB) VIOLATION
FBIHQ - CHARLOTTE DIVISION

Synopsis: (U) Report of a potential Intelligence Oversight Board (IOB) matter.

(U) Derived From: G-3
Declassify On: 02/21/2032

Reference: (S) 278-HQ-C1229736 Serial 2672
(S)

Enclosure(s): (U) Enclosed for NSLB and IIS are the following:
One copy of a series of e-mails (3 pages) to include
an e-mail from ____________________________ to ____________________________, et al,
FBIHQ, CTD, dated 07/21/2005.

Details: (S)

Scrubber

ALL INFORMATION CONTAINED
HERIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 05-29-2007
CLASSIFIED BY 65179 DMH/KSP/JW
REASON: 1.4 (C)
DECLASSIFY ON: 05-29-2032
To: General Counsel  From: Charlotte
Re:  278-HQ-C1229736-VIO, 02/21/2007

As a result of investigation 07/07/2005,

On or about 07/13/2005, SA coordinated with United States Attorney's Office (USAO), Eastern District of North Carolina (EDNC), Chief of Criminal, to obtain a Grand Jury subpoena.

After receiving the subpoena, SA went to and met with Associate General Counsel and served the subpoena and had some records in hand when he received a call from SSRA. SSRA had been notified by FBIHQ, ITOS I, CONUS II, Team 6, that we were not to utilize a Grand Jury subpoena and that we must obtain a National Security Letter (NSL). Therefore, SA returned the records to

SSRA advised FBIHQ that our SAC, was TDY out of the Division and therefore we would need to complete an EC addressed to General Counsel requesting an NSL be approved at FBIHQ. SSRA was then instructed by FBIHQ, ITOS I, CONUS II, that Charlotte would be required to draft the NSL, due to time constraints, and then obtain approval from a neighboring division's SAC. SA then drafted an NSL to obtain the student records and forwarded the NSL to SSRA for review. The NSL was then forwarded by SSRA to SAC Division, for approval.

Agent served the NSL at does not recall.
To: General Counsel  From: Charlotte
Re: 278-HQ-C1229736-VIO, 02/21/2007

To whom the NSL was given. TFA was advised that the NSL was not the appropriate documentation to receive records. Charlotte then contacted CDC regarding the legality of the matter and the question of the American Civil Liberties Union and FBIHQ, OGC, regarding the matter. SSRA also contacted ASAC Charlotte Division, who in turn was also in contact with FBIHQ.

Subsequently, SSRA was advised by FBIHQ that a Grand Jury subpoena would be obtained which was the office of origin on the matter, and the Grand Jury subpoena would be forwarded to the Raleigh RA for service of.

On 07/15/2005, the Raleigh RA received a copy of the Grand Jury subpoena served with the Grand Jury subpoena.

After resistance to comply, SSRA was advised that he had been served. SSRA was in contact with advising of reluctance to honor the Grand Jury subpoena and at this time contacted concerning the matter.

Approximately one hour later contacted the Raleigh RA and advised that the records were waiting for our retrieval.
To: General Counsel  From: Charlotte  
Re:  278-HQ-C1229736-VIO, 02/21/2007

LEAD(s):  
Set Lead 1:  (Discretionary)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) NSLB; For information and action deemed appropriate.

Set Lead 2:  (Discretionary)

INSPECTION

AT WASHINGTON, DC

(U) IIS; For information and action deemed appropriate.

**
Thanks for the rapid response.

We originally were in the process of obtaining a subpoena in the EDNC for the records along with a sealed court order to be issued by Judge Boyle, (EDNC). This process was stopped at the direction of FBIHQ, CTD, and I was told that we needed to serve an NSL. We prepared the NSL and it was e-mailed to SAC Atlanta Division, signed and returned. Our SAC is currently TDY at FBIHQ. The NSL was then served on and their legal counsel advised that he would not accept nor the NSL because the NSL was only for

We had our CDC and FBIHQ involved in this throughout the process.

FBIHQ, TOS I, then advised Division would be forwarding us a GJ subpoena to serve. We obtained the GJ subpoena late Friday afternoon and served it on the attorney. He initially declined to honor the subpoena because he stated that we should have presented him with a court order under the Patriot Act and also that he wanted each individual who had recorded to be named in the subpoena. He also made some additional remarks that I will not go into at this time.

Bottom line is we told him to consider himself served and provided him with the subpoena. A/SAC also contacted concerning the matter at this point. About one hour later the attorney called our office and advised the documents were ready to be picked up.

This process delayed us approximately one day in obtaining the records. However, it occupied a great deal of my time and more importantly the time of two agents who could have been focusing on the investigation at hand. I would agree with the obvious, that administrative subpoena power in the field involving CT matters may be the single most important tool that the agents could use to improve/expedite their investigations.

If you require any additional info please let me know.

Thanks
- Is the below true? Did we go NSL first and then GJS? Pls respond by e-mail.

Anyone with full knowledge to get this back to _____ by e-mail?

---Original Message---
From: (CTD)(FBI)
Sent: Thursday, July 21, 2005 3:15 PM
To: (CTD)(FBI); (CTD)(FBI); (CTD)(FBI)
Cc: (CTD)(FBI); (CTD)(FBI); (CTD)(FBI)

Subject: Facts of needed re NSL letter ASAP
Importance: High

UNCLASSIFIED NON-RECORD

I just got a call from _____ of OCA. The Director has requested a write up on the circumstances surrounding the NSL letter issued to

It is the Director's understanding that an NSL letter was issued to _____ in connection with the London bombing. _____ would not honor the NSL letter and because of this the FBI had to issue them a Grand Jury subpoena.

The Director would like to use this as an example tomorrow as to why we need administrative subpoenas's to fight the war on terror. In particular, he would like to know how much extra time was spent having to get the Grand Jury subpoena.

Please provide me with an e-mail regarding the particular facts of this incident. Just one paragraph in e-mail form will be sufficient.
From: [REDACTED] (FBI)
Sent: Thursday, January 04, 2007 2:42 PM
To: [REDACTED] (FBI)
Cc: [REDACTED] (FBI)
Subject: RE: Charlotte NSL Issue

UNCLASSIFIED
NON-RECORD

Yes, we can call. We have no problem with that at all. The OIG can call anyone directly, just keep us in the loop as to what transpires. Would it be helpful to send you a copy of what we sent the OIG?

Just to give you a little information, we sent the following:

1) E-mail dated 12/19/06 to [REDACTED] from [REDACTED] re: FW: Facts on [REDACTED] needed re: NSL letter ASAP.
2) 7/15/05 EC from Charlotte to CTD [REDACTED] letter. Al [REDACTED]
3) 7/14/05 EC from Charlotte to CTD and OGC re:
4) 7/14/05 letter from [REDACTED] to [REDACTED]

If you would like a copy, please let me know and I can send one ASAP to your office.

Thanks.

(202) 324-

Original Message:

From: [REDACTED] (FBI)
Sent: Wednesday, January 03, 2007 12:34 PM
To: [REDACTED] (FBI)
Cc: [REDACTED] (FBI)
Subject: Charlotte NSL Issue

UNCLASSIFIED
NON-RECORD

Regarding the NSL issue involving our Division and [REDACTED], one of our Agents [REDACTED] received a call from [REDACTED] of the IGs office, inquiring about the matter. I contacted [REDACTED] and she advised that your office had forwarded documents and e-mails regarding the matter to OIG. I'm assuming by that, that you have studied the matter and we are responding to the inquiry. Should I have a call and detail his recollections of the matter? He's glad to do it, but I wanted to check with you first to make sure that was what you wanted us to do.

Also, would you please let me know what documents and information was furnished to OIG? I would appreciate it.

Thanks.

CDC Charlotte

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