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[Redacted]

FBIHQ, JEH Rm 9959

http://[Redacted]

(202) 324

(Office)

(202) 262

(Cell/Blackberry)

[Redacted]

(Pager)

(202) 324

(Fax UNCLASS)

[Redacted]

Blackberry UNCLASS)

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~~DERIVED FROM: Multiple Sources~~  
~~DECLASSIFY ON: 20320307~~  
~~SECRET//NOFORN~~

**From:** [redacted] (OGC) (FBI)  
**Sent:** Thursday, March 08, 2007 6:36 PM  
**To:** MONACO, LISA (DO) (OGA); CAPRONI, VALERIE E. (OGC) (FBI);  
THOMAS, JULIE E. (OGC) (FBI)  
**Cc:** [redacted] (OGC) (FBI); [redacted] (OGC)  
(FBI)  
**Subject:** Chart of NSLs  
**UNCLASSIFIED**  
**NON-RECORD**

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Lisa,



NSL chart for  
Director.wpd (9 ...

See attached with additional requested column.

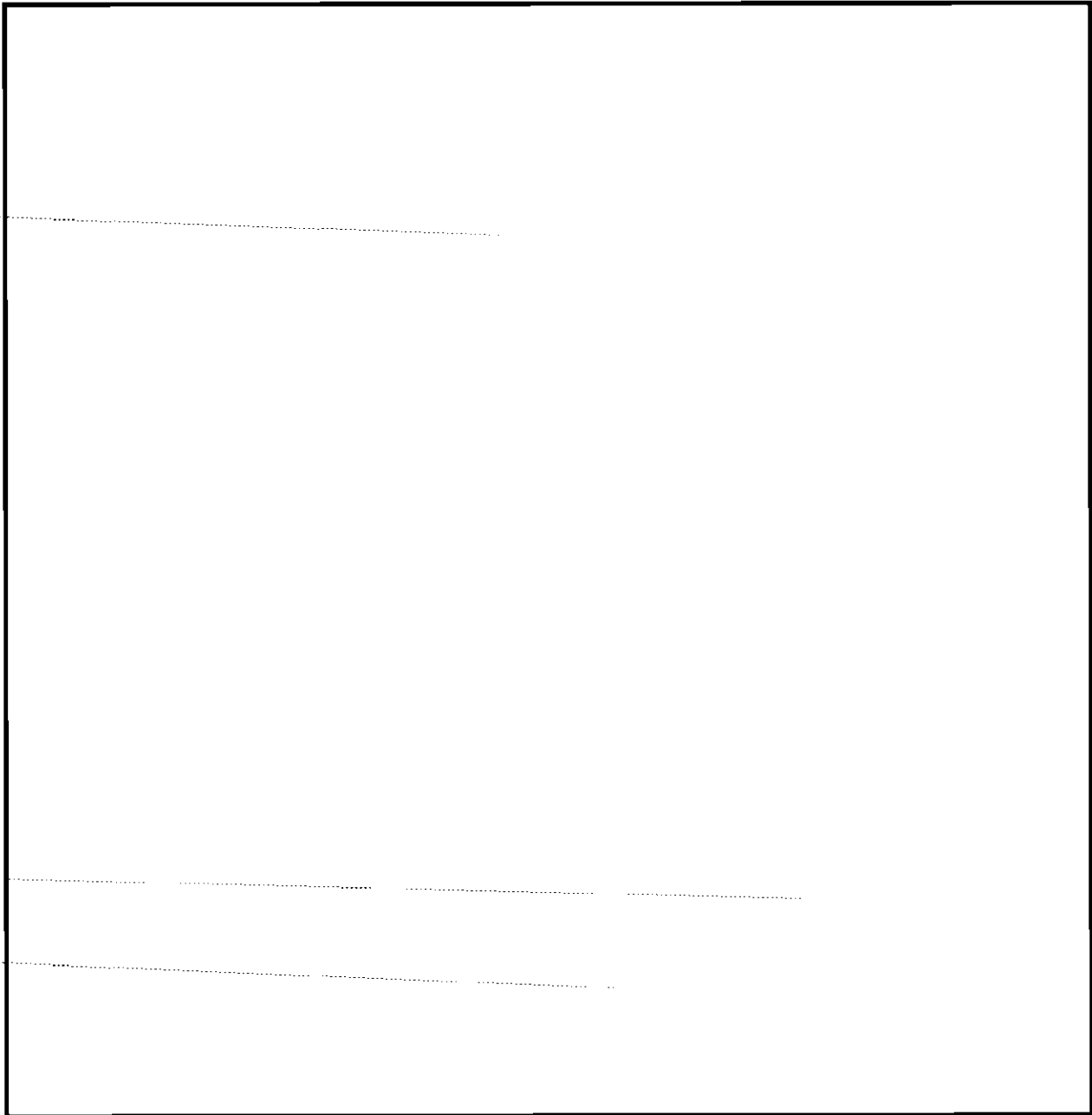
[redacted] Unit Chief  
CLSU/NSLB  
[redacted] (fax)  
[redacted] (paper)

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NSL VIO-20429



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**PROTOCOL ISSUES**



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DATE: 09-20-2007  
CLASSIFIED BY 65179 dmh/ksf/gcl  
REASON: 1.4 (c)  
DECLASSIFY ON: 09-20-2032

NSL VIO-20430

~~SECRET~~

NSL VIO-20431

~~SECRET~~



**From:** KALISCH, ELENI P. (OCA) (FBI)  
**Sent:** Saturday, March 24, 2007 12:39 PM  
**To:** PISTOLE, JOHN S. (DO) (FBI); FORD, JOSEPH L. (DO) (FBI); RAWLS,  
WILLIAM LEE (DO) (FBI); MONACO, LISA (DO) (OGA); CAPRONI,  
VALERIE E. (OGC) (FBI); HULON, WILLIE T. (DO) (FBI); BILLY, JOSEPH  
(CTD) (FBI); HARRINGTON, T. J. (CTD) (FBI)  
**Subject:** Director's Testimony

**Importance:** High  
**SENSITIVE BUT UNCLASSIFIED**  
**NON-RECORD**



Duplicate Hulon email dated 3/2/4/07

**SENSITIVE BUT UNCLASSIFIED**

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DATE 09-21-2007 BY 65179 dmh/ksr/gcl

NSL VIO-20439

**From:** KORTAN, MICHAEL P. (OPA) (FBI)  
**Sent:** Friday, March 02, 2007 12:35 PM  
**To:** KALISCH, ELENI P. (OCA) (FBI); BEERS, ELIZABETH RAE (OCA) (FBI);  
MONACO, LISA (DO) (OGA); CAPRONI, VALERIE E. (OGC) (FBI)  
**Cc:** MILLER, JOHN J. (OPA) (FBI); [REDACTED] (OPA) (FBI);  
[REDACTED] (OPA) (FBI)  
**Subject:** Drafts  
**UNCLASSIFIED**  
**NON-RECORD**

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Attached are a draft press release, speaking outline and time line.



NSL IG Report  
Response.doc (31...NSLs.doc (43 KB)...



OIG Report on



NSL IG  
esponse.wpd (29 Kf

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**UNCLASSIFIED**

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DATE 09-25-2007 BY 65179 dmh/ksr/gcl

NSL VIO-20446

**From:** [redacted] (DO) (FBI)  
**Sent:** Friday, March 23, 2007 3:50 PM  
**To:** MONACO, LISA (DO) (OGA); PISTOLE, JOHN S. (DO) (FBI)  
**Subject:** FW: Draft statement for Ken Wainstein for HPSCI NSL hearing  
**UNCLASSIFIED**  
**NON-RECORD**

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Draft Statement for Ken Wainstein is attached below.

-----Original Message-----

**From:** [redacted] (DO) (FBI)  
**Sent:** Friday, March 23, 2007 3:44 PM  
**To:** [redacted] (DO) (FBI)  
**Cc:** [redacted] (DO) (FBI)  
**Subject:** Draft statement for Ken Wainstein for HPSCI NSL hearing

**UNCLASSIFIED**  
**NON-RECORD**

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[redacted] draft statement for DOJ is attached.

Second panel for the hearing will consist of: Jim Dempsey from the Center for Democracy and Technology; Lisa Graves from the Center for National Security Studies; and Viet Dinh from Georgetown University Law Center.



070323 DOJ  
vainstein NatSecLtr.

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[redacted]  
FBI Office of Congressional Affairs

**UNCLASSIFIED**

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**From:** [redacted] (INSD) (FBI)  
**Sent:** Friday, March 23, 2007 3:16 PM  
**To:** CAPRONI, VALERIE E. (OGC) (FBI); KAISER, KENNETH W. (INSD) (FBI);  
 MONACO, LISA (DO) (OGA)  
**Cc:** THOMAS, JULIE F. (OGC) (FBI)  
**Subject:** Exigent Letters  
**UNCLASSIFIED**  
**NON-RECORD**

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Valerie, We do not have copies of the Exigent Letters. The chart below shows the case file and serial number where they can be located. I checked in ACS and the letters in some cases were serialized but not uploaded or in others, attached to the EC. [redacted]

[redacted] Perhaps the CDC will be able to pull the letters. [redacted]

	Reviewed By	File Case	DIV	UCFN	Letter Dated	Letter Subfile and Serial	ECdone	ECsubseri
(S)	[redacted]	031807	[redacted]	[redacted]	9/11/2006	Main Serial [redacted]	Yes	Main Seri:
	[redacted]	031807	[redacted]	[redacted]	9/11/2006	Main Serial [redacted]	Yes	Main Seri:
(S)	[redacted]	031907	[redacted]	[redacted]	7/29/2003	[redacted]	No	

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DATE: 09-25-2007  
 CLASSIFIED BY: 65179 dmh/ksr/gcl  
 REASON: 1.4 (c)  
 DECLASSIFY ON: 09-25-2032



## Frequently Asked Questions

### NATIONAL SECURITY LETTERS

#### ***What is a National Security Letter?***

A National Security Letter (NSL) is a letter request for information from a third party that is issued by the FBI or by other government agencies with authority to conduct national security investigations.

#### ***What statutes provide NSL authority?***

NSL authority is provided by five provisions of law:

1. *The Right to Financial Privacy Act*, 12 U.S.C. § 3414(a)(5), for financial institution customer records;
2. the *Fair Credit Reporting Act*, 15 U.S.C. § 1681u(a) and (b), for a list of financial institution identities and consumer identifying information from a credit reporting company;
3. the *Fair Credit Reporting Act*, 15 U.S.C. § 1681v, for a full credit report in an international terrorism case. This provision was created by the 2001 USA PATRIOT Act;
4. the *Electronic Communications Privacy Act*, 18 U.S.C. § 2709, for billing and transactional communication service provider records from telephone companies and internet service providers; and
5. the National Security Act, 50 U.S.C. § 436, for financial, consumer, and travel records for certain government employees who have access to classified information.

#### ***How valuable are NSLs?***

In the post 9/11 world, the National Security Letter is an indispensable tool and building block of an investigation that contributes significantly to the FBI's ability to carry out its national security responsibilities by directly supporting the furtherance of the counterterrorism, counterintelligence and intelligence missions.

#### ***How are NSLs different from subpoenas? Are NSLs subject to limitations?***

- NSLs are similar to federal executive branch administrative subpoenas in that a government agency issues the request for information without prior judicial approval.
- Like grand jury subpoenas and administrative subpoenas, NSLs can be used to acquire information relevant to an authorized preliminary or full FBI national security investigation.
- NSLs, however, are subject to two significant limitations. First, they are only available for authorized national security investigations (international terrorism or foreign intelligence/counterintelligence investigations), not general criminal investigations or domestic terrorism investigations.

Second, unlike administrative subpoenas and grand jury subpoenas, NSLs can only be used to seek certain transactional information permitted under the five NSL provisions, and NSLs cannot be used to acquire the content of any communications.

### ***Why not just use subpoenas?***

There are multiple benefits of NSLs over grand jury subpoenas:

1. NSLs are less intrusive in contrast to other tools such as FISAs, and provide a means to obtain third-party information relevant to a national security investigation.
2. NSLs can also be issued before an investigation is opened in a grand jury by a U.S. Attorney's Office but must be relevant to an authorized FBI national security investigation.
3. Although the non-disclosure provisions in NSLs no longer automatically attach, NSLs are a better investigative tool should the government decide that non-disclosure of the request is necessary on a long-term basis due to the sensitivity of the investigation and the potential harm from an NSL's disclosure.

### ***What types of transactional information may be obtained by an NSL?***

The FBI may obtain the following transactional records:

- subscriber information;
- toll billing records;
- Internet service provider (ISP) login records;
- electronic communication transaction records;
- financial records;
- money transfers;
- credit records; and
- other consumer identifying information.

### ***How are NSLs certified?***

All NSLs require a certification that the records sought are relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities and that an investigation of a US person is not conducted solely on the basis of First Amendment activities.

### ***Can a provider challenge an NSL?***

Yes. All recipients have the right to challenge, in U.S. District Court, a NSL for which the recipient believes compliance would be either "unreasonable, oppressive, or otherwise." The recipient may also challenge, in U.S. District Court, any applicable nondisclosure provisions. In other words, unless the Court finds certification in bad faith, the law leaves these determinations regarding U.S. national security and diplomatic relations to the Executive Branch.

***Who is authorized to approve NSLs?***

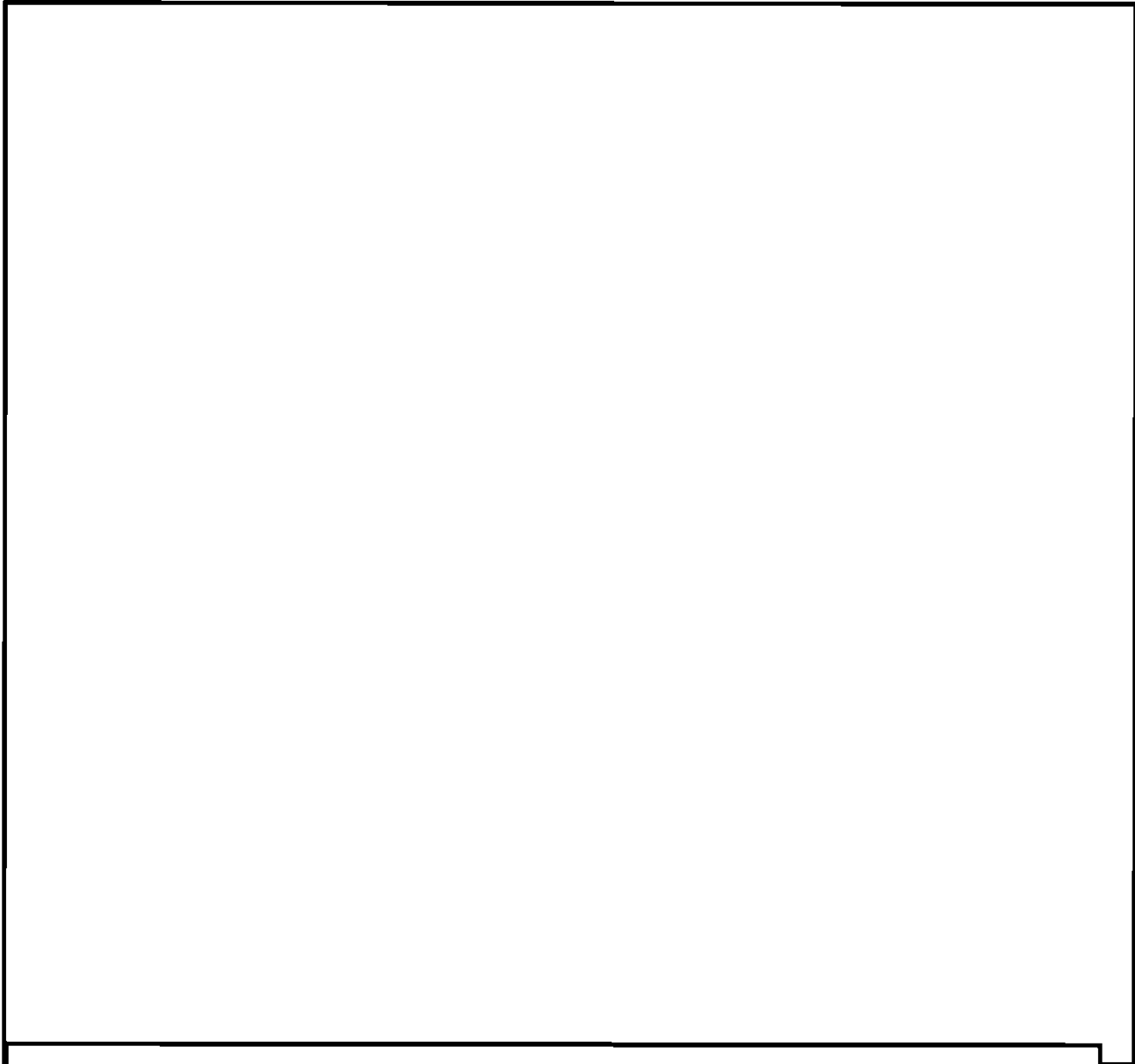
1. Only the most senior FBI officials have this authority.
2. As of March 9, 2006, the authority to sign NSLs has been delegated to:
  - Deputy Director;
  - EAD and Assistant EAD for the National Security Branch;
  - Assistant Directors and all DADs for CI/CT/Cyber;
  - General Counsel;
  - Deputy General Counsel for National Security Law Branch;
  - Assistant Director in Charge, and all SACs in NY, D.C., and LA; and
  - All SACs in other field divisions.
3. Personnel in "acting" positions cannot sign NSLs.

***Are NSLs classified?***

The NSLs themselves are not classified, nor is the material received in return from NSLs classified. That information may be used in criminal proceedings without any declassification issue.

On 03/06/2007, the Deputy Director conducted a conference call with all SACs to advise them of the status of the OIG Report: FBI's Use of National Security Letters. The discussion included the key findings of the OIG and what actions each SAC should immediately take to assess the situation in their field offices and ensure that the practices regarding NSLs were in compliance from this date forward.

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**From:** KAISER, KENNETH W. (INSD) (FBI)  
**Sent:** Tuesday, March 13, 2007 2:26 PM  
**To:** MONACO, LISA (DO) (OGA)  
**Subject:** FW:

Per your request

-----Original Message-----

**From:** [REDACTED] (FBI)  
**Sent:** Tuesday, March 13, 2007 12:43 PM  
**To:** KAISER, KENNETH W. (INSD) (FBI)  
**Subject:**

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**UNCLASSIFIED**  
**NON-RECORD**



NSLCONOPS.WPD (9 KB)



NSLFORM.WPD (10 KB)

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DATE 09-25-2007 BY 65179 dmh/ksr/gcl

NSL VIO-20476

**From:** [redacted] (INSD) (FBI)  
**Sent:** Wednesday, March 14, 2007 2:43 PM  
**To:** MONACO, LISA (DO) (OGA)  
**Subject:** FW: INSD/IIS NSL Compliance Checklist - Potential IOBs  
**SENSITIVE BUT UNCLASSIFIED**  
**NON-RECORD**

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Lisa, Here is the latest version of the IOB Checklist. [redacted] asked me to send it to you. [redacted]

-----Original Message-----

**From:** [redacted] (INSD) (FBI)  
**Sent:** Wednesday, March 14, 2007 2:00 PM  
**To:** [redacted] (FBI); [redacted] (INSD) (FBI)  
**Cc:** THOMAS, JULIE F. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (INSD) (FBI); [redacted] (INSP) (FBI); [redacted] (INSD) (FBI); [redacted] (INSD) (FBI); [redacted] (INSD) (FBI); [redacted] (INSD) (FBI); [redacted] (INSD) (FBI); [redacted] (INSD) (FBI)  
**Subject:** INSD/IIS NSL Compliance Checklist - Potential IOBs

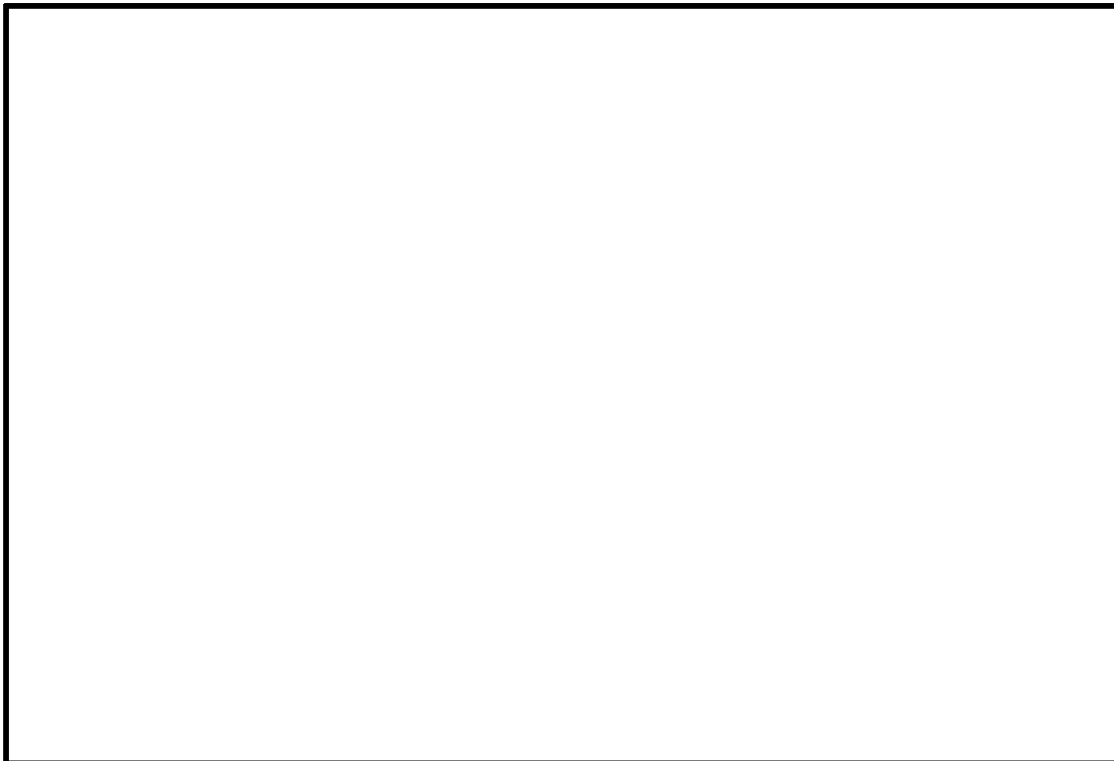
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INSLIOBChecklist.wpd (16 KB)

Continued from yesterday.



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Thanks.

**SENSITIVE BUT UNCLASSIFIED**

**SENSITIVE BUT UNCLASSIFIED**

**From:** PISTOLE, JOHN S. (DO) (FBI)  
**Sent:** Thursday, March 08, 2007 6:08 PM  
**To:** RAWLS, WILLIAM LEE (DO) (FBI); MONACO, LISA (DO) (OGA); KALISCH, ELENI P. (OCA) (FBI); CAPRONI, VALERIE E. (OGC) (FBI); MILLER, JOHN J. (OPA) (FBI)  
**Subject:** FW: INSD Talking Points for Way Forward

**Importance:** High  
**SENSITIVE BUT UNCLASSIFIED**  
**NON-RECORD**

Update info including the INSD process protocols (shortened version) for whatever use deemed appropriate. John

-----Original Message-----

**From:** [REDACTED] (DO) (FBI)  
**Sent:** Thursday, March 08, 2007 6:03 PM  
**To:** PISTOLE, JOHN S. (DO) (FBI)  
**Subject:** RE: INSD Talking Points for Way Forward  
**Importance:** High

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**SENSITIVE BUT UNCLASSIFIED**  
**NON-RECORD**



Field Office and  
INSD Bullets....

**SENSITIVE BUT UNCLASSIFIED**

**SENSITIVE BUT UNCLASSIFIED**

**SENSITIVE BUT UNCLASSIFIED**

**SENSITIVE BUT UNCLASSIFIED**

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DATE 09-25-2007 BY 65179 dmh/ksr/gcl

**From:** [redacted] NSD) (FBI)  
**Sent:** Wednesday, March 14, 2007 9:57 AM  
**To:** MONACO, LISA (DO) (OGA)  
**Subject:** IOB Checklist

**UNCLASSIFIED**  
**NON-RECORD**

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Lisa, You mentioned that you wanted to look at this potential IOB Audit sheet. This is the draft.



NSL review IOB  
audit form.wpd ...

OGC has a copy as well. Let me know what you think [redacted]

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NSL VIO-20482

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Revised 02/05/2006

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NSL VIO-20483

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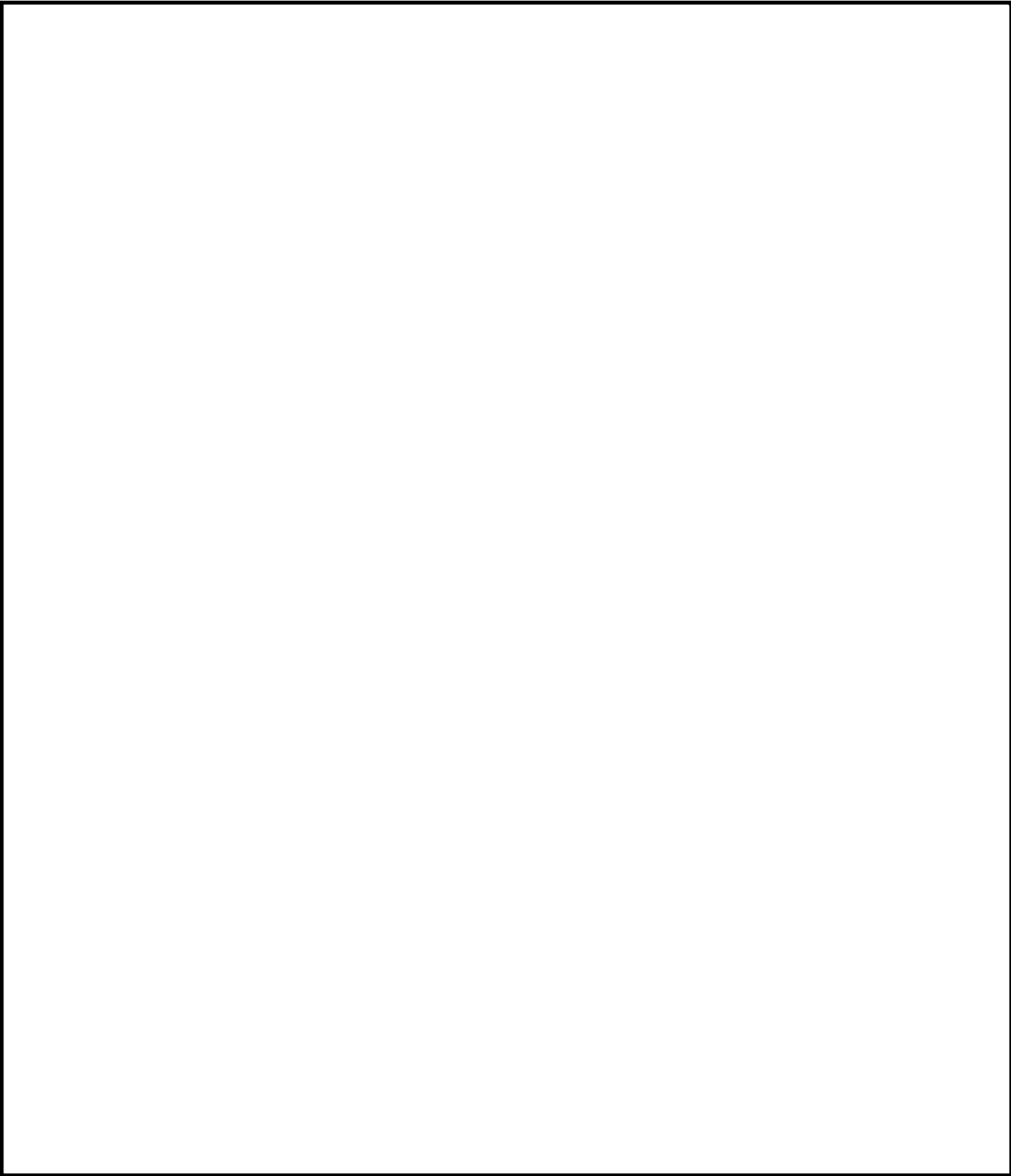
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DATE 09-25-2007 BY 65179 dmh/kxr/gcl

Revised 02/05/2006

Page 1 of 1



NSL VIO-20488

**From:** [redacted] OGC (FBI)  
**Sent:** Tuesday, February 27, 2007 1:15 PM  
**To:** THOMAS, JULIE F. (OGC) (FBI)  
**Subject:** FW: Need classification assistance regarding information about cases from your field office.

**Importance:** High  
**SECRET**  
**RECORD NSL**

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Julie: Below is a concern from [redacted]. They are now asking that the [redacted] example be dropped. I do not think that any of the concerns they raise are grave-but curious as to your thoughts as well as your recommendation.

[redacted]

-----Original Message-----

**From:** [redacted] (FBI)  
**Sent:** Tuesday, February 27, 2007 12:42 PM  
**To:** [redacted] (CTD) (FBI); [redacted] OGC (FBI)  
**Cc:** [redacted] (FBI)  
**Subject:** RE: Need classification assistance regarding information about cases from your field office.

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**SECRET**  
**RECORD NSL**

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[redacted]

-----Original Message-----

**From:** [redacted] (CTD) (FBI)  
**Sent:** Monday, February 26, 2007 8:43 PM  
**To:** [redacted] (FBI); [redacted] OGC (FBI)  
**Cc:** [redacted] (FBI)  
**Subject:** RE: Need classification assistance regarding information about cases from your field office.

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**SECRET**  
**RECORD NSL**

[redacted] I think that the below re [redacted] is not classified.

(S)

[redacted]

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DATE: 09-28-2007  
CLASSIFIED BY 65179 dmh/rsr/gcl  
REASON: 1.4 (c)  
DECLASSIFY ON: 09-28-2032

[Redacted]

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-----Original Message-----

**From:** [Redacted] (FBI)  
**Sent:** Friday, February 23, 2007 12:33 PM  
**To:** [Redacted] (OGC) (FBI)  
**Cc:** [Redacted] (CTD) (FBI); [Redacted] (FBI)  
**Subject:** RE: Need classification assistance regarding information about cases from your field office.

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**SECRET**  
**RECORD NSL**

[Redacted]

Any objection to the reference re [Redacted] I think not classified - do you agree??

-----Original Message-----

**From:** [Redacted] (OGC) (FBI)  
**Sent:** Friday, February 23, 2007 12:31 PM  
**To:** [Redacted] (FBI)  
**Subject:** FW: Need classification assistance regarding information about cases from your field office.  
**Importance:** High

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**SECRET**  
**RECORD NSL**

I meant to include you on this email. I indicated the answer that you provided me yesterday.

[Redacted]

-----Original Message-----

**From:** [Redacted] (OGC) (FBI)  
**Sent:** Friday, February 23, 2007 12:30 PM  
**To:** [Redacted] (FBI); [Redacted] (FBI); [Redacted] (FBI)  
**Subject:** Need classification assistance regarding information about cases from your field office.  
**Importance:** High

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**SECRET**  
**RECORD NSL**

Dear CDCs : DGC Julie Thomas has provided classification guidance on the Office of Inspector General's Report regarding the FBI's use of NSLs. NSLB is unable to determine the classification of one of the paragraphs. The OIG has stated that the examples are derived from information of an investigation from your field office. Please review and let us know ASAP whether the information should be classified or can be marked unclassified. They are located on pages 64 and 65 of the report. I have identified the office responsible for which paragraph. Unfortunately we need this information immediately as we need to finalize these issues. Please let me know if you have any questions, etc.

[Redacted] : A counterintelligence investigation focused on the possible involvement of the subject in exporting sensitive U.S. Military technology to a foreign country. Multiple National Security letters were issued to obtain information that enabled the

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FBI to identify the subject's role in exporting these technologies. The FBI shared the NSL-derived information with the IRS which led to the initiation of a grand jury that returned money laundering charges against the subject. The FBI also shared the NSL-derived information with the Department of Homeland Security and the Department of Commerce Office of Export enforcement. The FBI's investigation led to guilty pleas for 22 violations of the Arms Export Control Act and brokering the export of sensitive technologies without the required government licensing approval.

[redacted] Information provided to the FBI from the intelligence community suggested that a high-value detainee who was to be incarcerated at Guantanamo Bay had used an email account. The FBI issued a national security letter to obtain email transactional information about the user's email account, which led to additional national security letters seeking telephone records and subscriber information on the subject and the subject's friends and associates. Information derived from one of the national security letters established a connection between the subject and the subject of another investigation. The latter was convicted of providing material support to terrorism.

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[redacted] An FBI field office issued national security letters to ascertain the investigative subject's financial dealings. The information from the national security letters suggested bank fraud activity. [redacted] The investigative subject and his wife were convicted of bank fraud, making false statements, and conspiracy.

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(S) [redacted] An FBI field division used information from NSLs in an investigation of individuals accused of being members of a [redacted] [redacted]

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Thank you in advance.

[redacted]  
Special Assistant to DGC Julie Thomas  
Assistant General Counsel  
National Security Law Branch  
Office of the General Counsel  
Phone [redacted]  
Pager [redacted]

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NSL VIO-20496



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Year	# NSLs Total	# Requests Total	OIG report of # Requests minus Cyber
1999			
2000			
2001			
2002			
2003			
2004			
2005			

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DATE: 09-26-2007  
CLASSIFIED BY: 65179 dmb/ksr/gcl  
REASON: 1.4 (c)  
DECLASSIFY ON: 09-26-2032

**From:** [redacted] (OPA) (FBI)  
**Sent:** Friday, March 09, 2007 9:26 AM  
**To:** HQ-DIV00-NPO-MEDIA-REPS; KORTAN, MICHAEL P. (OPA) (FBI);  
MILLER, JOHN J. (OPA) (FBI)  
**Cc:** HQ\_DIV00\_OPA; FBI\_SAC's [redacted] (OCA) (FBI);  
MONACO, LISA (DO) (OGA)  
**Subject:** FW: NSL Heads Up  
**UNCLASSIFIED**  
**NON-RECORD**

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Media Reps and SACs

At 10am the DOJ IG will release their report on NSLs. The Director and DD will host a press availability at 11:30. Please send all calls re this issue to the NPO at 202.324.3691. There is also a new PAG posted on the NEWSROOM

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http: [redacted]

The press release and FAQs will be going up on FBI.gov when the IG report is posted (expected to be 10am).

Our OGC will be meeting with the ACLU and other privacy and civil liberty groups this morning regarding this report.

This information is provided to you for your information. Please send all calls to NPO. After the press release is posted, you can direct media inquires to fbi.gov. Please do not distribute to the media prior to posting.

We hope to have a transcript available within a few hours of the press availability. The cables may cover it live, or you can use critical mention to track the coverage.

Plenty of stories already in the Washington Post and NYT.

Please call me with any questions.

Thanks,

[redacted]



FAQs on NSLs PR - OIG Report on  
03-09-2007).doc ... NSLs (03-09...

SS [redacted] FBI  
Unit Chief, National Press Office  
Office of Public Affairs

[redacted]  
[redacted] unit switchboard  
[redacted] cell

[redacted] blackberry email

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-----Original Message-----

NSL VIO-20506

**From:** [redacted] (OPA) (FBI)  
**Sent:** Friday, March 09, 2007 7:37 AM  
**To:** [redacted] (FBI); [redacted] (FBI); [redacted] (FBI);  
**Cc:** HQ\_DIV00\_NPO; KORTAN, MICHAEL P. (OPA) (FBI)  
**Subject:** NSL Heads Up

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**UNCLASSIFIED**  
**NON-RECORD**

Good day. (maybe)

I think that PH, NY, SF and CG are the 4 cities that are referenced in the DOJ IG report that will come out today. Although the situation referenced in the report likely affected most field offices, yours were the ones the info was collected from. There will be a Director press conference at 1130am today. If (when) your field office names get out you may start getting calls. At this point we request you refer the calls to HQ. We will be providing additional information to you and all other media reps this morning.

Thanks,

[redacted]

SSA [redacted] FBI  
Unit Chief, National Press Office  
Office of Public Affairs

[redacted] desk  
[redacted] unit switchboard  
[redacted] cell  
[redacted] blackberry email

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**UNCLASSIFIED**

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NSL VIO-20508

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NSL VIO-20509



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

**FOR IMMEDIATE RELEASE**  
**March 9, 2007**

**Response to DOJ Inspector General's Report on FBI's Use of National Security Letters**

In the post 9/11 world, the National Security Letter (NSL) is an indispensable investigative tool that contributes significantly to the FBI's ability to carry out its national security responsibilities by directly supporting the furtherance of the counterterrorism, counterintelligence and intelligence missions. At the same time, when appropriate, NSLs also allow the FBI to obtain information to eliminate concerns about individuals and close down investigations with a high degree of confidence that there is no terrorism or intelligence-gathering threat.

Because of their proven value and the FBI's increased reliance on NSLs to help keep the country safe, the Inspector General's finding of deficiencies in the FBI's use of the letters is a serious concern. Importantly, the OIG found no deliberate or intentional misuse of authorities, either NSL statutes or Attorney General Guidelines. The majority of instances cited involved FBI Agents expediting the process -- in support of national security investigations -- and obtaining information the FBI was legally entitled to have.

However, the OIG review identified several areas of inadequate auditing and oversight of these vital investigative tools -- and that is unacceptable.

As a result, Director Robert S. Mueller, III, has ordered immediate steps be taken, in addition to those taken earlier, to reform the process by addressing and correcting those deficiencies -- with accountability. The steps include strengthening internal controls, changing policies and procedures to improve oversight of the NSL approval process, barring certain practices identified in the Inspector General's report and ordering an expedited inspection. The FBI will work together with DOJ's National Security Division and the Privacy and Civil Liberties Office to implement these reforms. Throughout this process, the FBI will continue to work closely with the OIG to gauge progress and consider any additional reforms, if warranted.

In its review, the OIG took into consideration the environment in which the Bureau has functioned over the last five years. Since September 11, 2001, the FBI has undergone major reorganization, the report noted. The Counterterrorism Division, in particular has carried an extraordinary workload and transformed operations, while working at a breakneck pace to keep the country safe. The OIG also recognized the importance of NSLs, citing a number of uses such as enabling the FBI to gather the basic building blocks in counterterrorism and counterintelligence investigations.

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NSL VIO-20510

The deficiencies, however, mandate a redoubling of the FBI's efforts to ensure there is no repetition of mistakes of the past in the use of these authorities, however lacking in willfulness was the intent. Any report of possible violations of legal authorities will continue to be carefully reviewed, and, if warranted, referred to the appropriate entities. If unauthorized information is obtained, whether due to FBI or third-party error, that information is sealed, sequestered, and where appropriate, destroyed. In addition, employee conduct is reviewed and disciplined appropriately.

The report made eleven recommendations in response to the findings, designed to provide both the necessary controls over the issuance of national security letters and the creation and maintenance of accurate records. Director Mueller assured the Inspector General, in a detailed response included in the report, that the FBI fully supports each recommendation. The FBI concurs with the Inspector General that, when implemented, these reforms can improve the accuracy of the reporting of the use of NSLs and ensure compliance with the requirements governing their use. Along with those already put in place, the reforms will ensure full compliance with both the letter and the spirit of the authorities entrusted to the Bureau, and will strengthen the process, alleviate concerns, and ensure the confidence of the Congress and the American public, while allowing the FBI to continue to protect the nation from those who would do us harm.

**From:** [REDACTED] (NSD) (FBI)  
**Sent:** Friday, March 09, 2007 8:29 AM  
**To:** MONACO, LISA (DO) (OGA)

**UNCLASSIFIED**  
**NON-RECORD**



Project\_flowchart.ppt (41 KB) IOB-FO-AUD.wpd (18 KB) IOB-FO-CKL.wpd (6 KB)

Lisa, Here is the proposed course of action for the NSL review. [REDACTED]

[REDACTED]

[REDACTED] They are attached above. [REDACTED]

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**From:** [redacted] (INSD) (FBI)  
**Sent:** Monday, March 05, 2007 9:52 AM  
**To:** MONACO, LISA (DO) (OGA)  
**Subject:** NSL Issue

**UNCLASSIFIED**  
**NON-RECORD**



Summary EC2.wpd  
(52 KB)

[redacted] Here is the EC that was sent up the chain. You may have already seen it.  
Thank you for your guidance in getting started, it was very helpful [redacted]  
[redacted] I will be  
working on this as well, so if you have any questions or input give me a call. [redacted]

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NSL VIO-20514

**From:** THOMAS, JULIE F. (OGC) (FBI)  
**Sent:** Friday, February 23, 2007 7:50 AM  
**To:** CAPRONI, VALERIE E. (OGC) (FBI); MONACO, LISA (DO) (OGA)  
**Cc:** FRAHM, CHARLES E. (CTD) (FBI); HARRINGTON, T. J. (CTD) (FBI); BILLY, JOSEPH (CTD) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)  
**Subject:** FW: NSL Letter

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**Follow Up Flag:** Follow up  
**Due By:** Monday, February 26, 2007 9:00 AM  
**Flag Status:** Flagged

**UNCLASSIFIED**  
**NON-RECORD**

Dear All:

I am pushing out this draft to get as many comments and suggestions as quickly as I can. The OIG has established a deadline of COB 2/27/07 for our comments. Thus we will need to have a final copy ready for the Director on 2/26/07. I leave it to Lisa and Valerie to push back on that deadline if needed.

Thanks,  
Julie

-----Original Message-----

**From:** [redacted] (OGC) (FBI)  
**Sent:** Thursday, February 22, 2007 6:34 PM  
**To:** THOMAS, JULIE F. (OGC) (FBI)  
**Cc:** [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)  
**Subject:** NSL Letter

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**NON-RECORD**



FBI response to the  
IG FINAL.w...

Julie: I highlighted the area where we are waiting language from CTD. I also highlighted one other area where there remains a question. It is located in our response to recommendation 8. With regard to the FBI-OGC EC [redacted]

b5

[redacted] ?

[redacted] ?

[redacted]  
Special Assistant to DGC Julie Thomas  
Assistant General Counsel  
National Security Law Branch  
Office of the General Counsel  
Phone [redacted]

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NSL VIO-20515

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**UNCLASSIFIED**

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NSL VIO-20517

~~SECRET~~

**From:** [REDACTED] (DO) (FBI)  
**Sent:** Monday, March 05, 2007 7:52 AM  
**To:** MONACO, LISA (DO) (OGA)  
**Subject:** FW: NSLs in exigent circumstances

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b7C

**Importance:** High  
**UNCLASSIFIED**  
**NON-RECORD**

In case you haven't seen...

-----Original Message-----

**From:** CAPRONI, VALERIE E. (OGC) (FBI)  
**Sent:** Sunday, March 04, 2007 3:21 PM  
**To:** FBI SAC's; FBI\_ALL CDCs  
**Cc:** PISTOLE, JOHN S. (DO) (FBI)  
**Subject:** NSLs in exigent circumstances  
**Importance:** High

**UNCLASSIFIED**  
**NON-RECORD**

Attached is an EC that will be uploaded tomorrow. Every CDC, ADC, ASAC and SAC MUST read this EC. Please contact [REDACTED] for me if you have any questions or concerns.

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Thank you.

VC



ECexigentletters.00 ecattachment.001.  
1.wpd (37 K...      wpd (31 KB)

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DATE 09-26-2007 BY 65179 dmh/ksr/gcl

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NSL VIO-20518

**From:** [redacted] NSB) (FBI)  
**Sent:** Wednesday, March 28, 2007 6:12 PM  
**To:** THOMAS, JULIE F. (OGC) (FBI); [redacted] (CTD) (FBI); [redacted] (CTD) (FBI); [redacted] (CyD) (FBI); [redacted] (CyD) (FBI); [redacted] (CD) (FBI)  
**Cc:** [redacted] (INSD) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (DO) (OGA); LAMMERT, ELAINE N. (OGC) (FBI); [redacted] (INSD) (FBI); [redacted] (DO) (FBI); [redacted] (CD) (FBI)  
**Subject:** FW: ACTION REQUIRED: OIG Final Reports on the FBI's Use of Authority Under the Patriot Act

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**NON-RECORD**

Good afternoon,

OGC has taken the lead in developing the response to these OIG recommendations and will provide a draft to NSB for comment prior to the April 24 deadline.

However, if NSB divisions have input they would like incorporated into OGC's draft at this time, please forward your comments to me NLT COB April 10, and NSB will submit them to OGC.

Thank you, and please let me know if you have any questions.

Best regards,

[redacted]

Acting Unit Chief  
Communications Unit  
National Security Branch

[redacted]

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b2

-----Original Message-----

**From:** [redacted] (INSD) (FBI)  
**Sent:** Monday, March 19, 2007 11:18 AM  
**To:** THOMAS, JULIE F. (OGC) (FBI); [redacted] (NSB) (FBI); [redacted] (NSB) (FBI); [redacted] (CTD) (FBI); [redacted] (CTD) (FBI); [redacted] (CyD) (FBI); [redacted] (CyD) (FBI); [redacted] (CD) (FBI)  
**Cc:** [redacted] (INSD) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (DO) (OGA); LAMMERT, ELAINE N. (OGC) (FBI)  
**Subject:** ACTION REQUIRED: OIG Final Reports on the FBI's Use of Authority Under the Patriot Act

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**NON-RECORD**

Good Morning,

As you know, OIG has completed the review of the FBI's use of Section 215 orders and NSI.s under the authority of the Patriot Act for fiscal years 2002 - 2005. The final reports were provided to the media (unclassified) and FBI on March 8, and delivered to the Assistant Directors and EADs for your divisions/branches on March 9. Unclassified copies of each report are located on the INSD website, Audit Compliance link, OIG Audit Library, under the following titles:

1. "A Review of the Federal Bureau of Investigation's Use of Section 215 Orders for Business

Records" (Section 215)

2. "A Review of the Federal Bureau of Investigation's Use of National Security Letters" (NSL.s)

This message is to (a) confirm that you are aware of the release of the reports and (b) notify you that there are *10 recommendations in the NSLs report that require responses from your divisions (to INSD/EAMU) by 2 PM, April 24*. No recommendations were issued in the Section 215 report; however, there are items that will be revisited in the FY 2006 review.

CTD, CD, and CyD may want to coordinate their responses to the recommendations through NSB, so that a consolidated response can be provided to INSD. INSD will combine NSB's responses with those provided by OGC and present the consolidated response to all parties for final review prior to submission to OIG. In order for the coordinated, consolidated recommendation responses to be released to OIG by their deadline, INSD must have all input by Tuesday, April 24.

The recommendations are attached to simplify the response process and provide a consistent format.



06-20 RCM NSLs  
042007.doc (42 ...)

Due to the nature of this review, significance of the report findings and recommendations, high visibility of the report, and the reviews currently in progress for FY 2006 NSLs and Section 215 orders, a 60-day recommendation/response cycle has been established (which is subject to change, based on the responses provided in this initial effort). The responses should be provided in consideration of and addition to the FBI's internal efforts to address concerns raised in the reports.

Please let me know if you have any questions or need additional information. Otherwise, we will anticipate all responses on or before April 24.

Regards,

[Redacted]  
Inspection Division, EAMU  
FBIHQ, JEH, Room 3233  
[Redacted]

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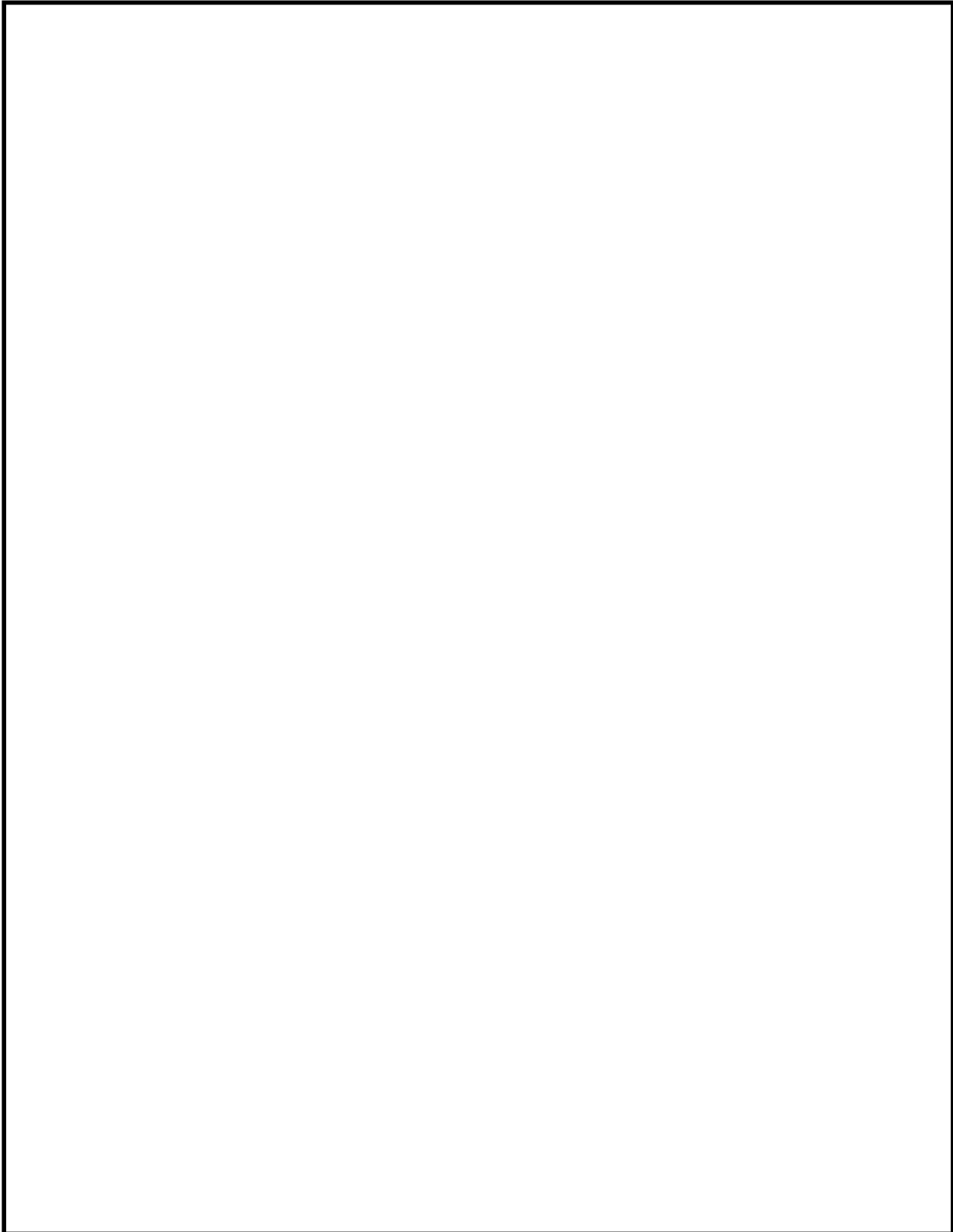
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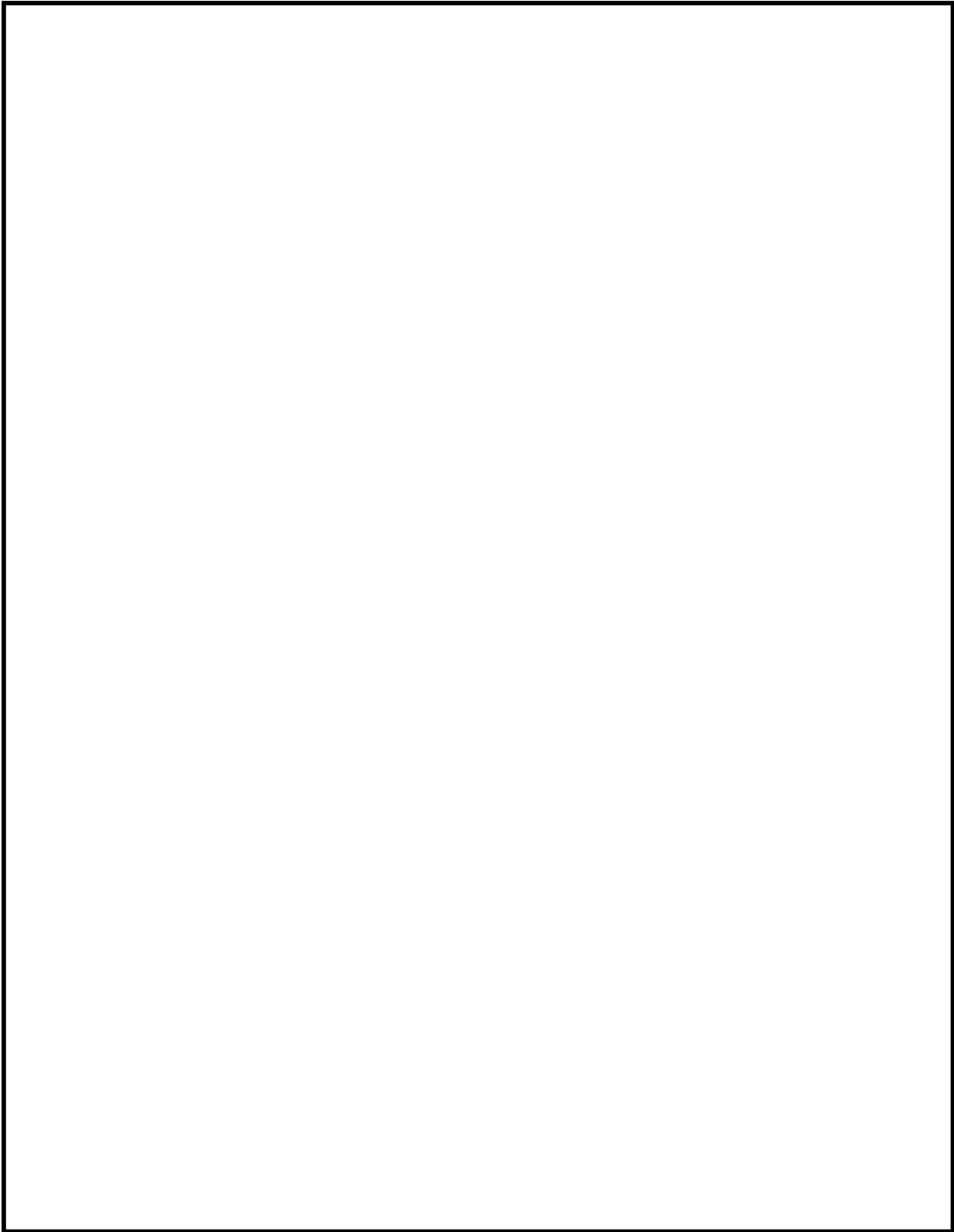
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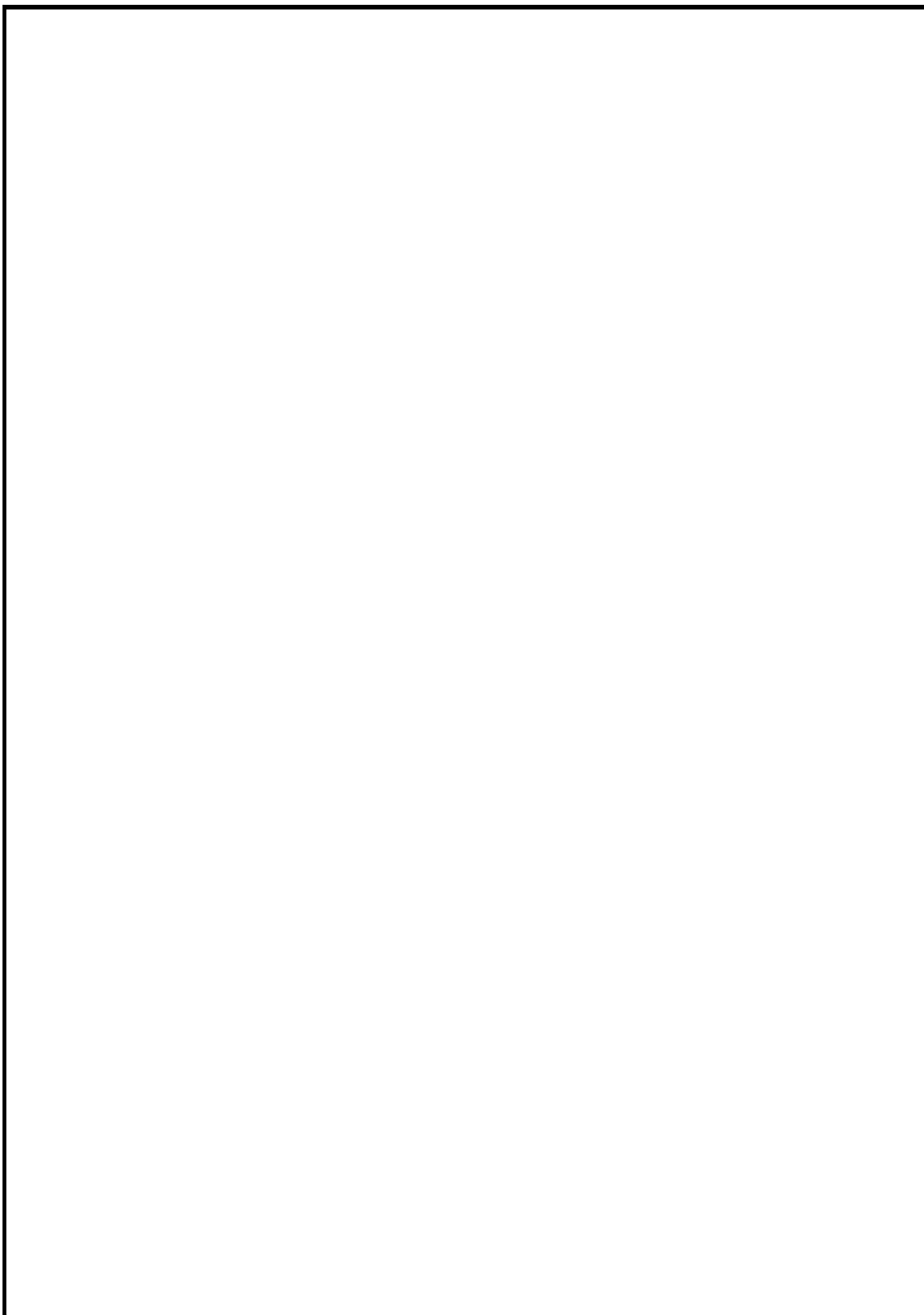




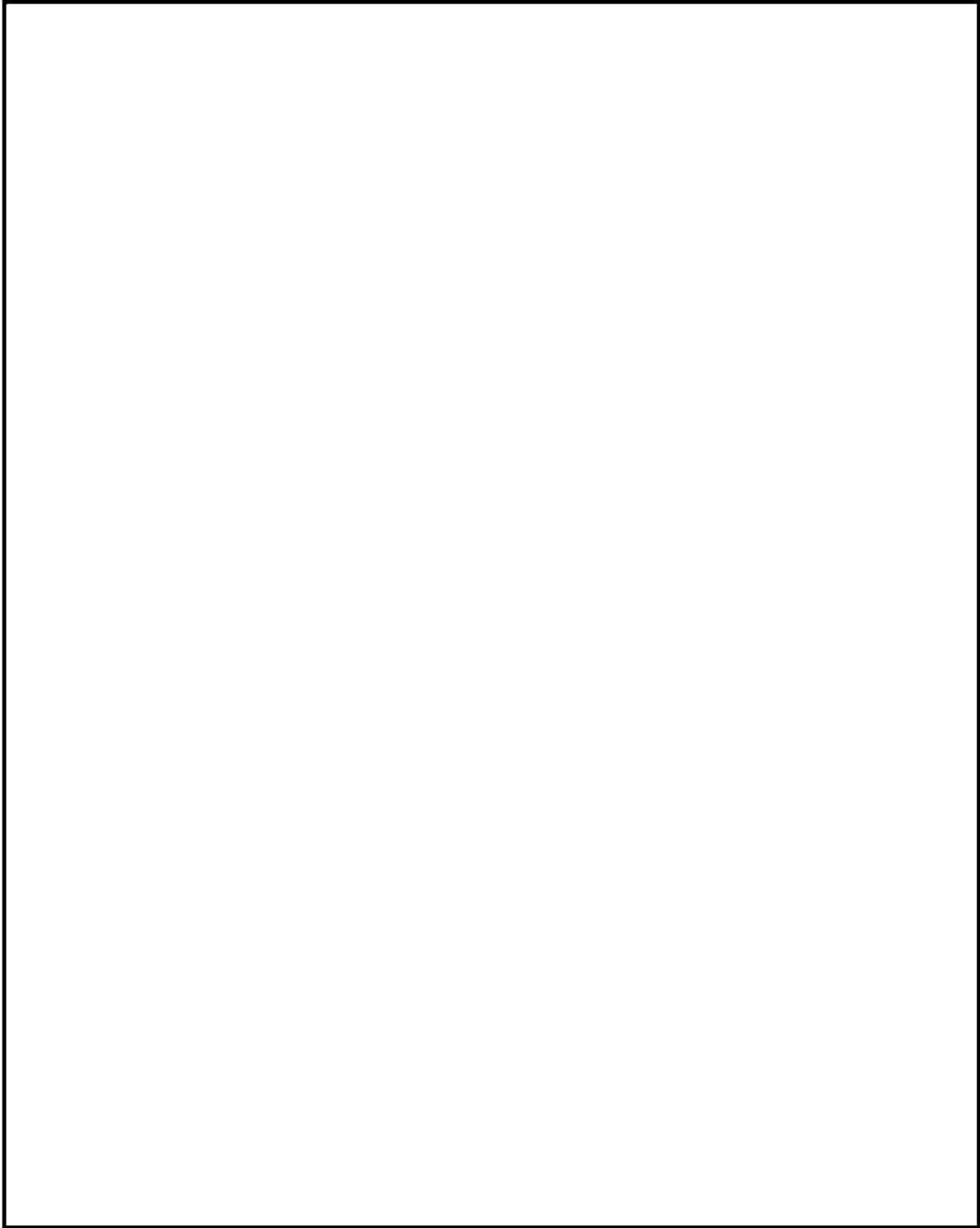
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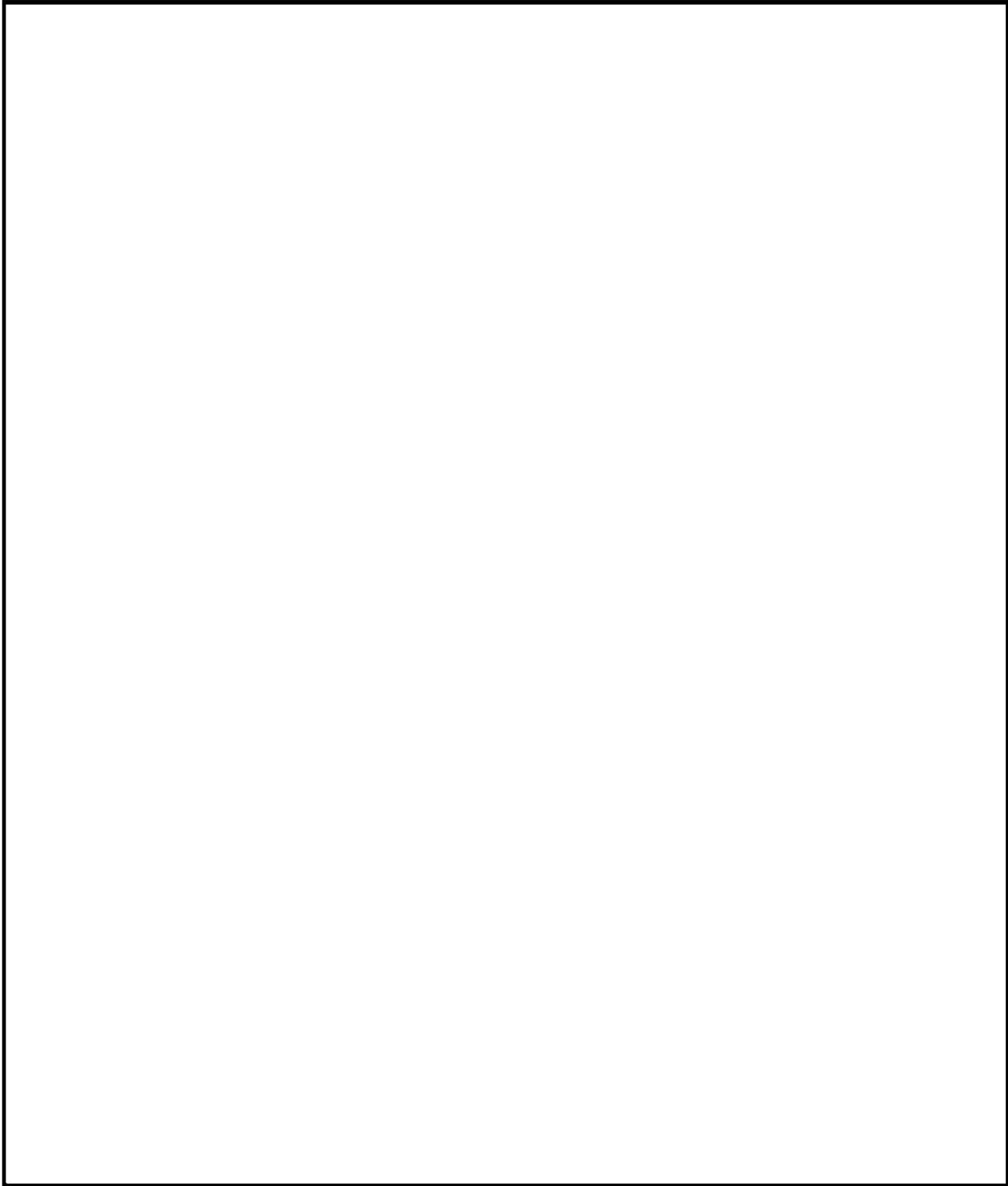
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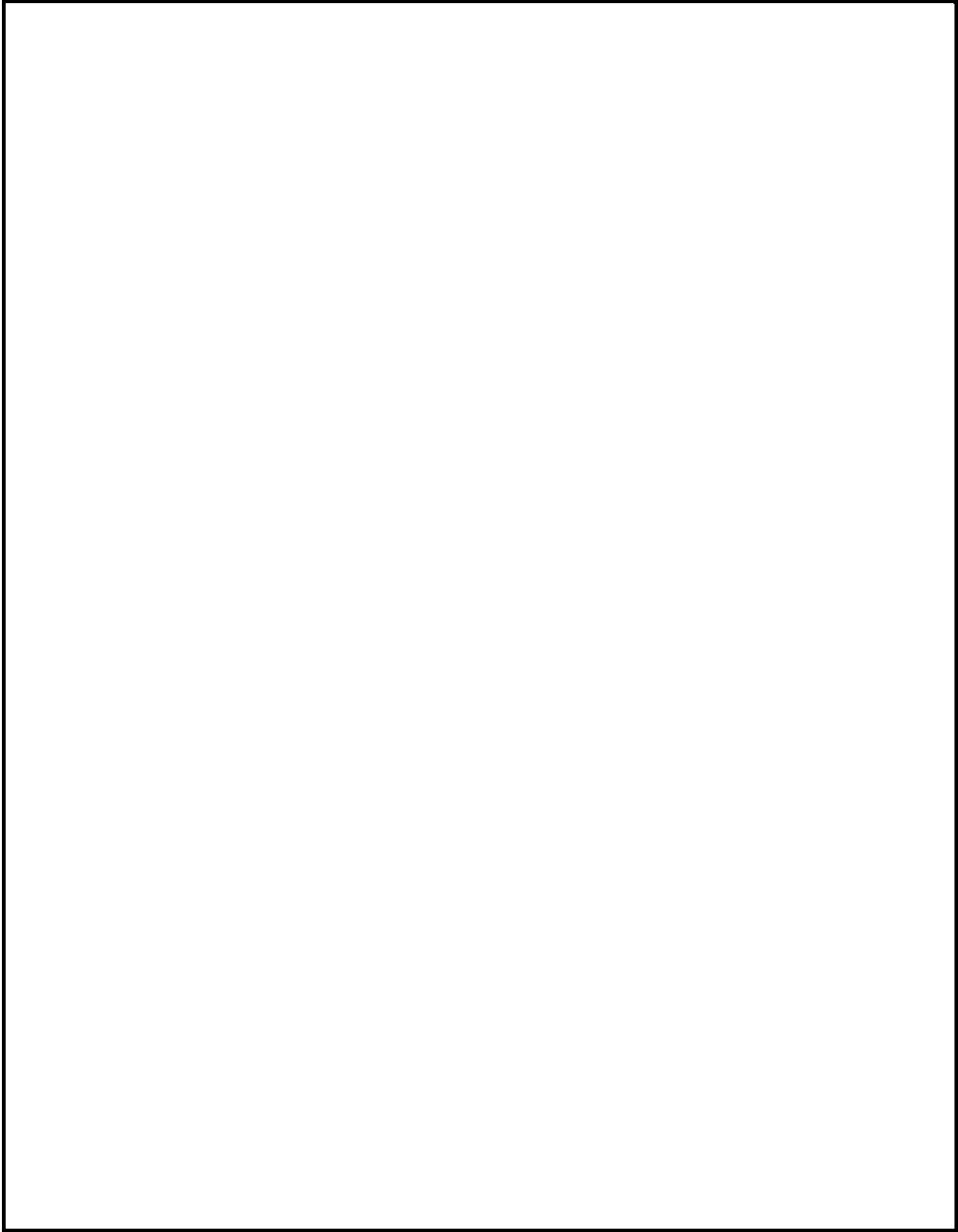
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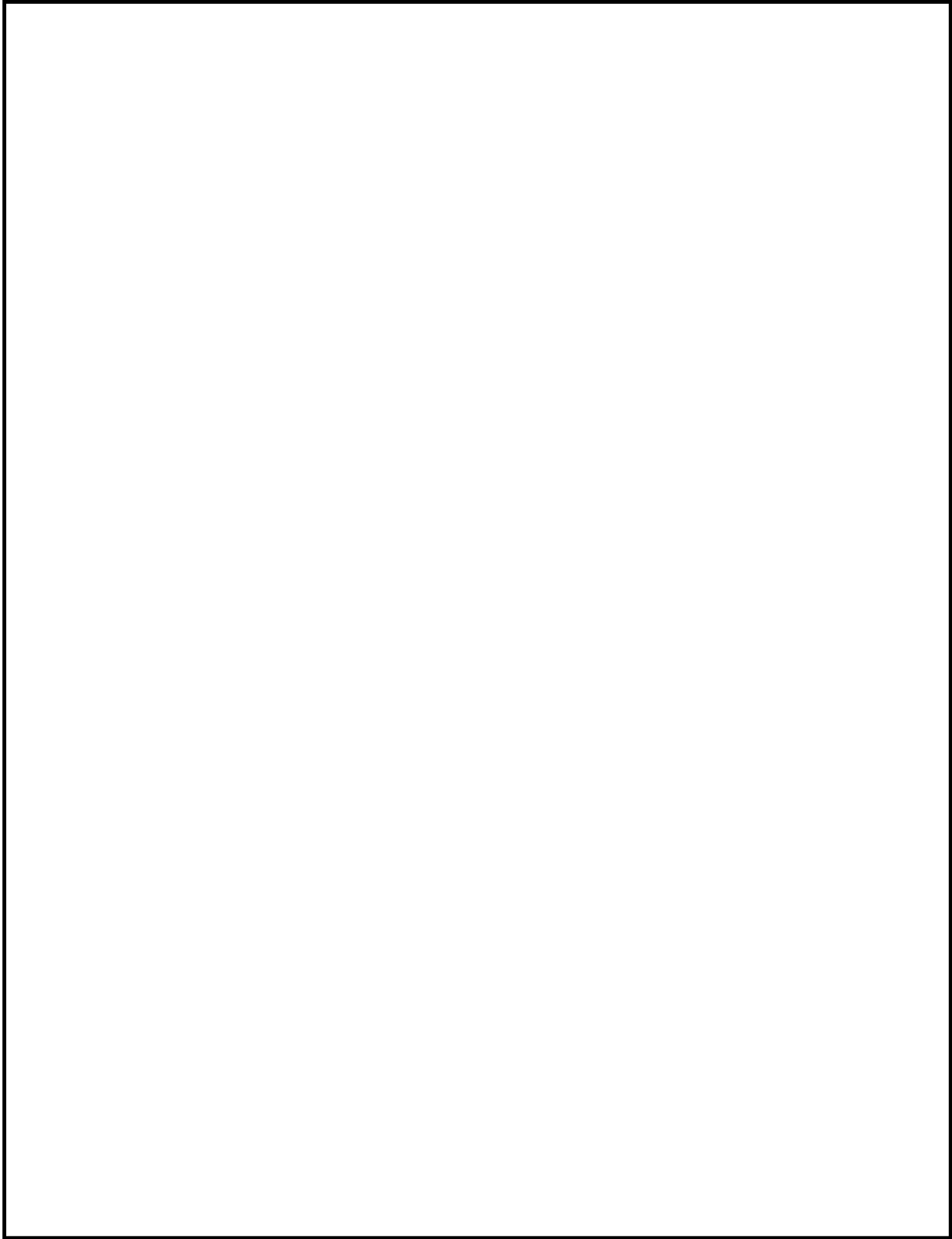
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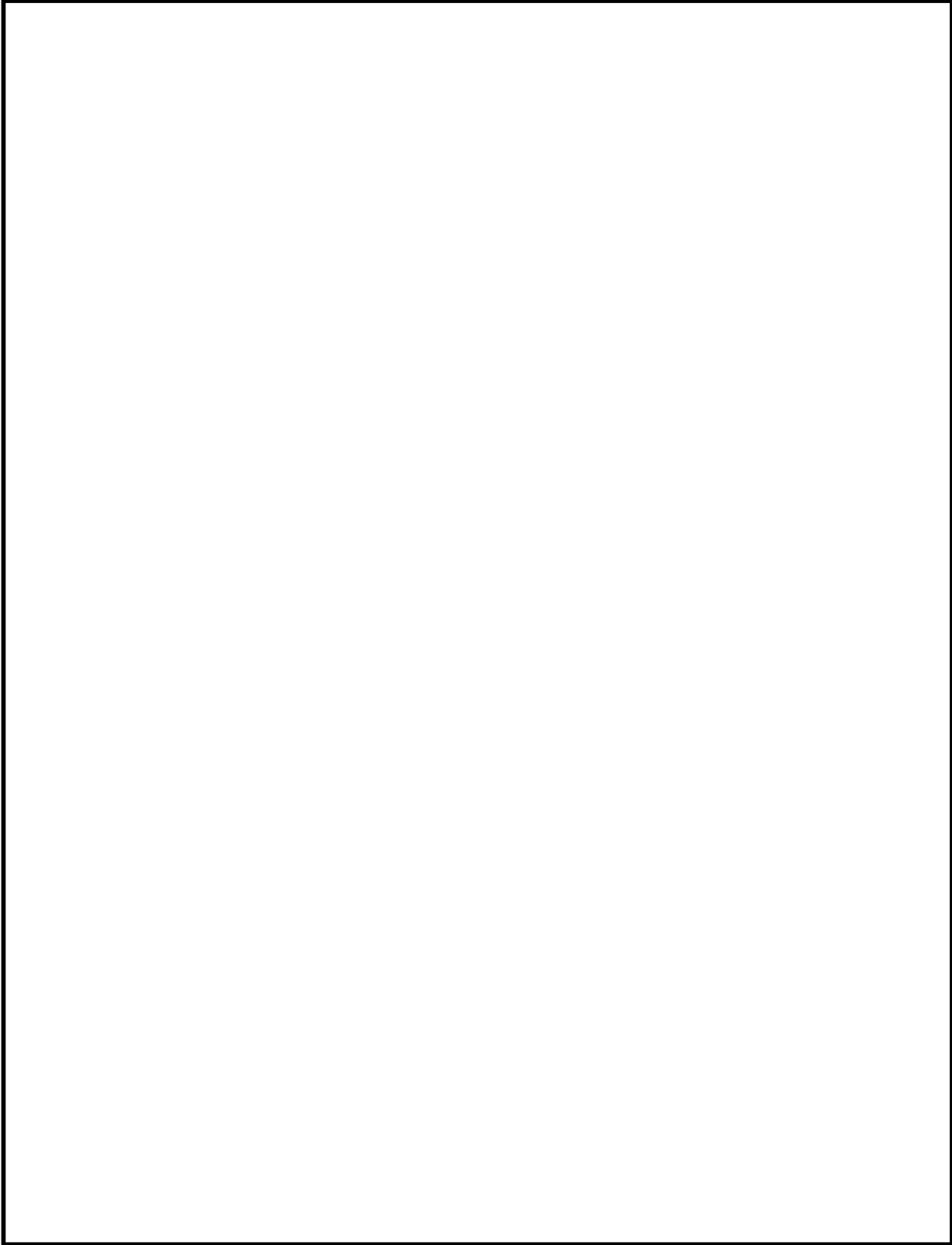


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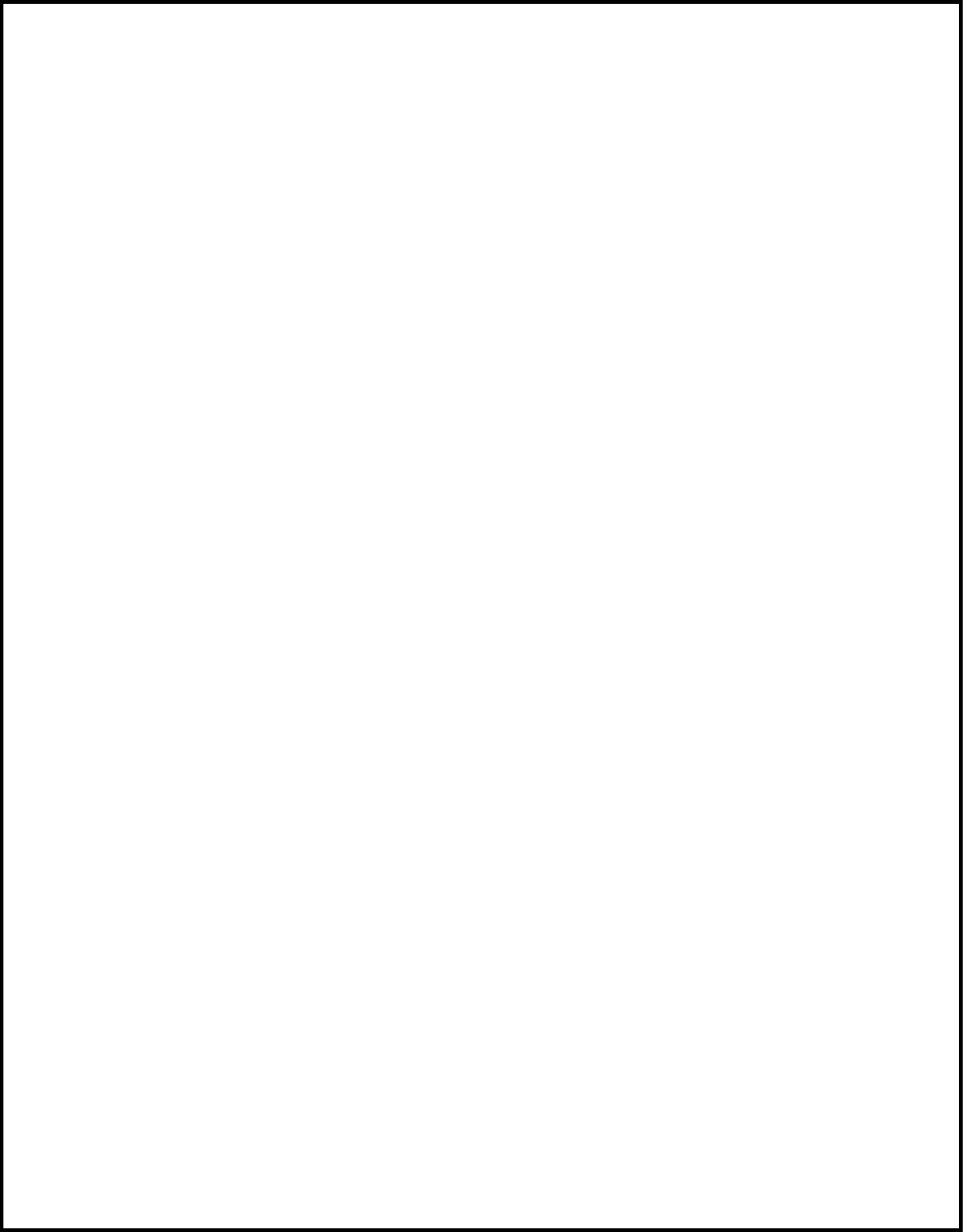
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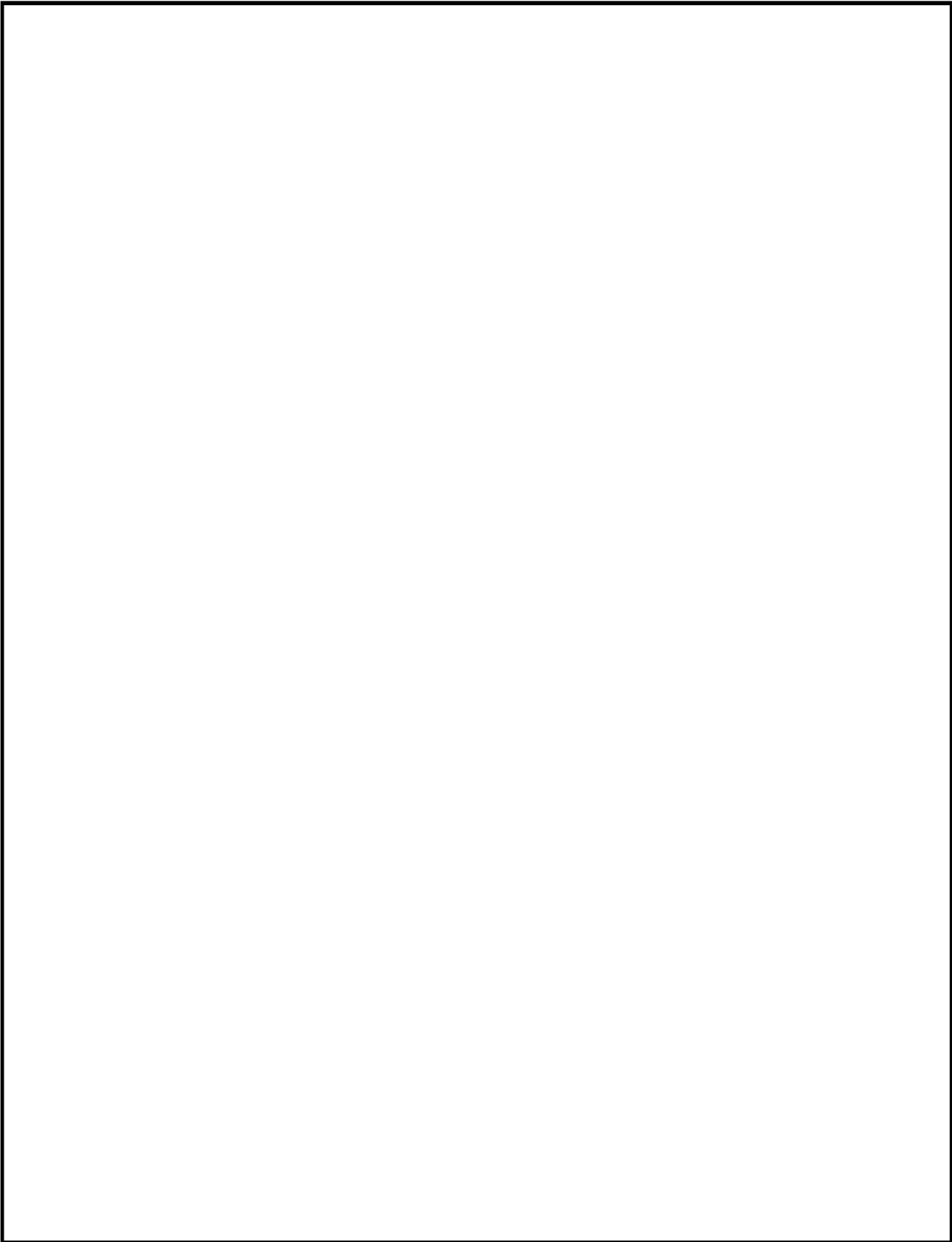


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**From:** KALISCH, ELENI P. (OCA) (FBI)  
**Sent:** Monday, March 26, 2007 12:24 PM  
**To:** MONACO, LISA (DO) (OGA); CAPRONI, VALERIE E. (OGC) (FBI); RAWLS, WILLIAM LEE (DO) (FBI); MILLER, JOHN J. (OPA) (FBI)  
**Subject:** Oral Remarks

**UNCLASSIFIED**  
**NON-RECORD**

Attached is the current draft of the Director's oral remarks for tomorrow's hearing.

Lisa: I am leaving the two NSL examples blank until we can all settle on two that are appropriate.



Oral Remarks  
3.wpd (23 KB)

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NSL VIO-20539

**From:** KALISCH, ELENI P. (OCA) (FBI)  
**Sent:** Monday, March 26, 2007 12:27 PM  
**To:** MUELLER, ROBERT S. III (DO) (FBI)  
**Cc:** MONACO, LISA (DO) (OGA)  
**Subject:** Oral Remarks

**UNCLASSIFIED**  
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Director:

Attached is the updated version of your oral remarks incorporating the changes we discussed this morning. The case examples re NSLs will be added when everyone agrees on two that are appropriate.

Thanks,  
Eleni



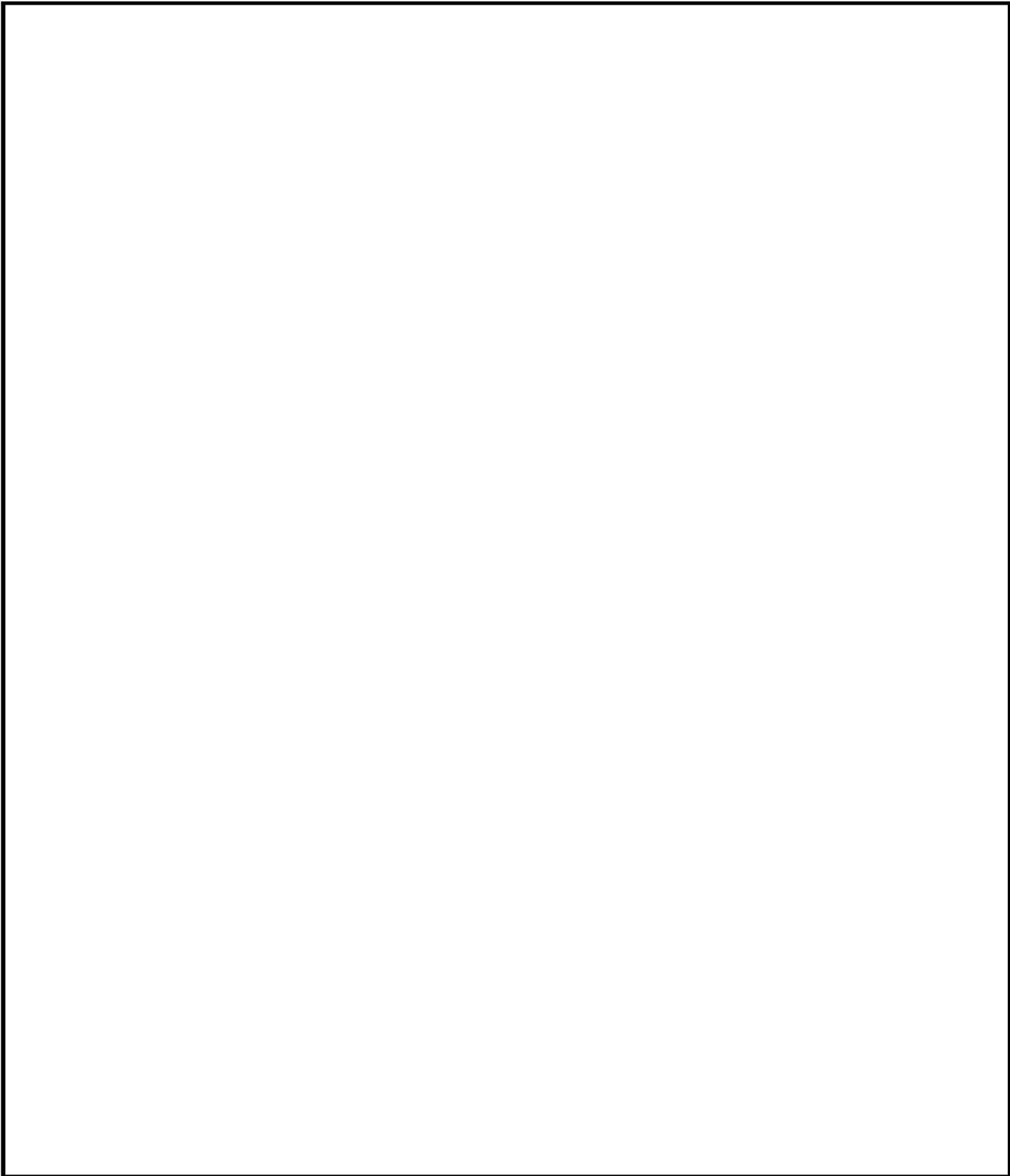
Oral Remarks  
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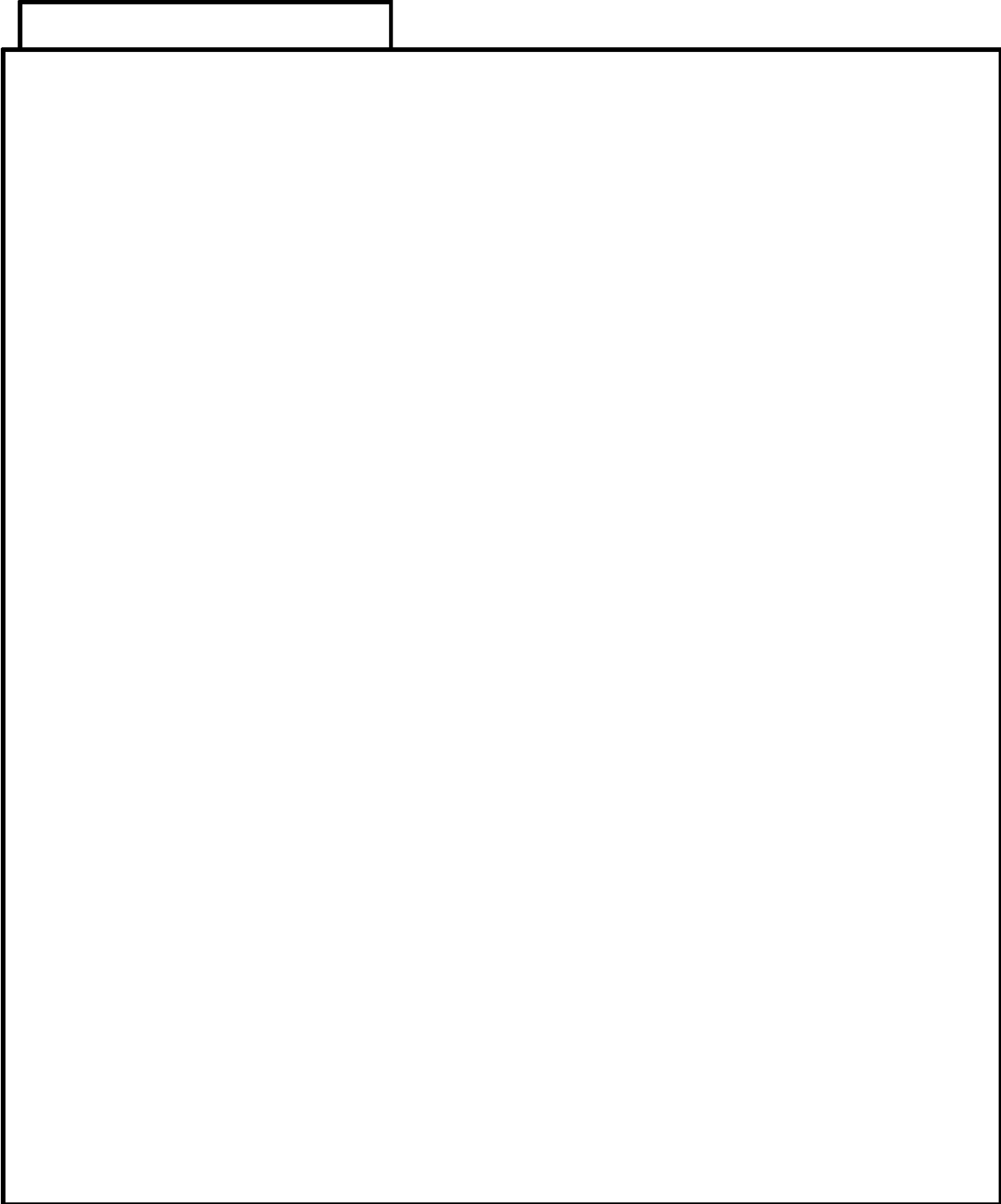
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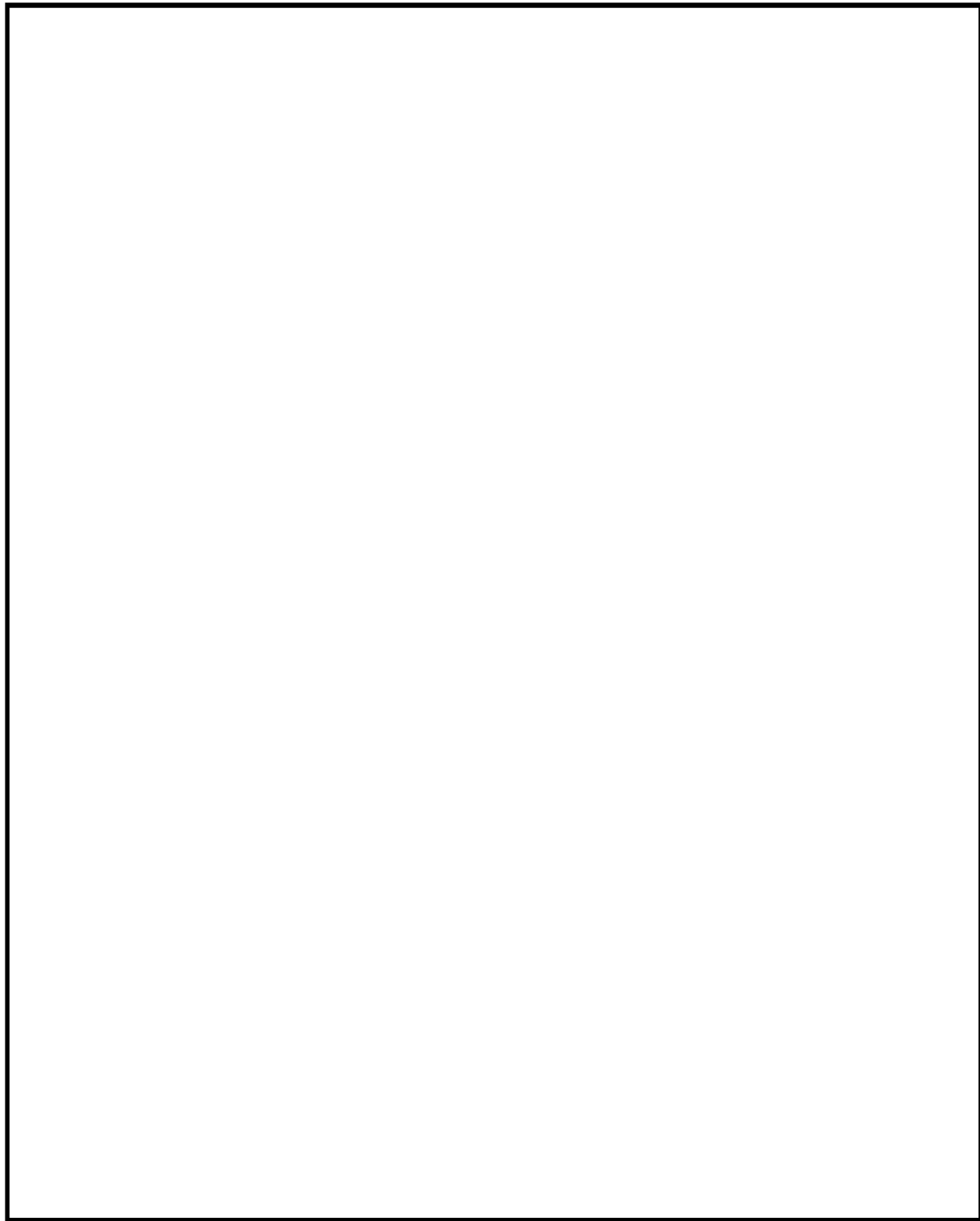
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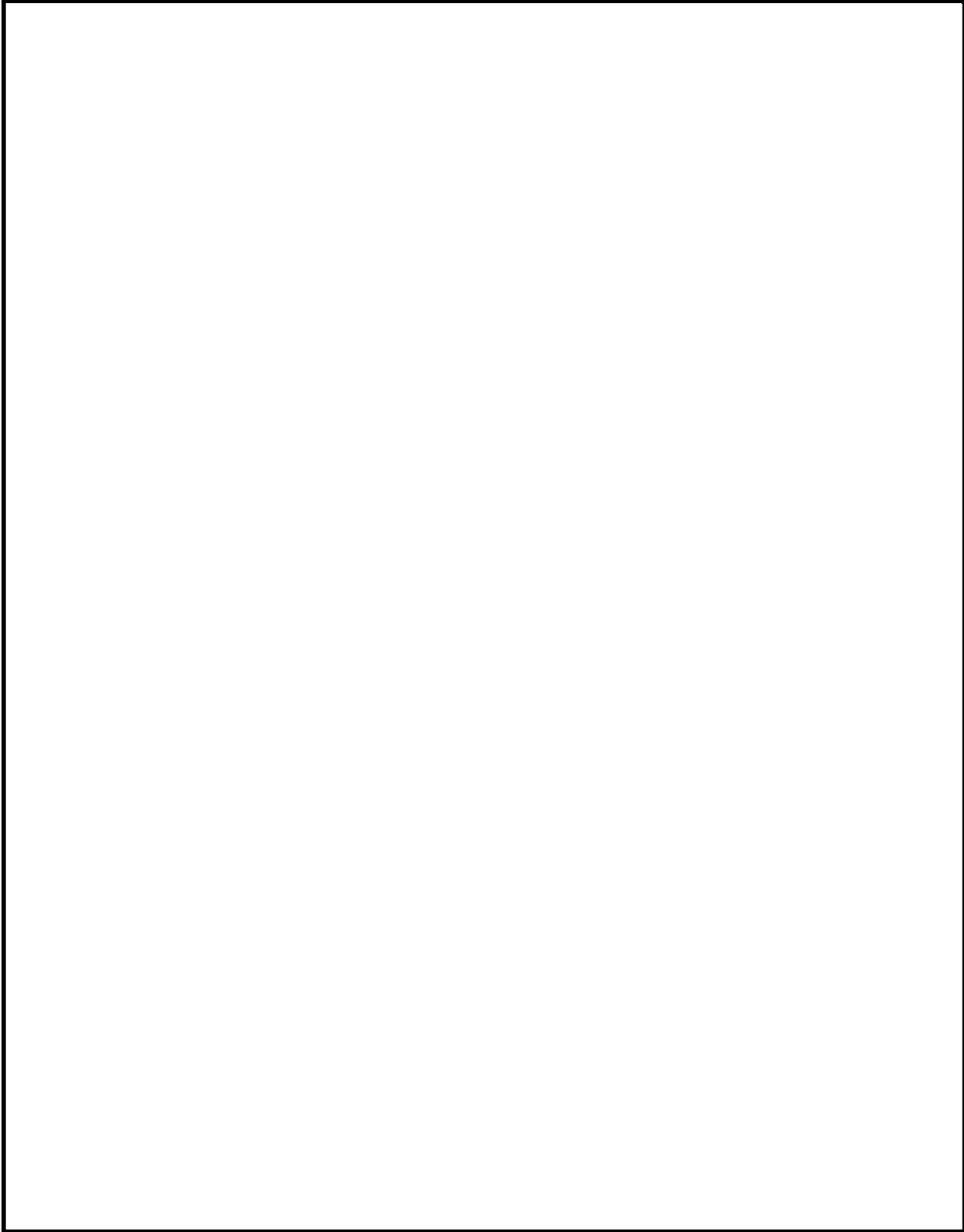
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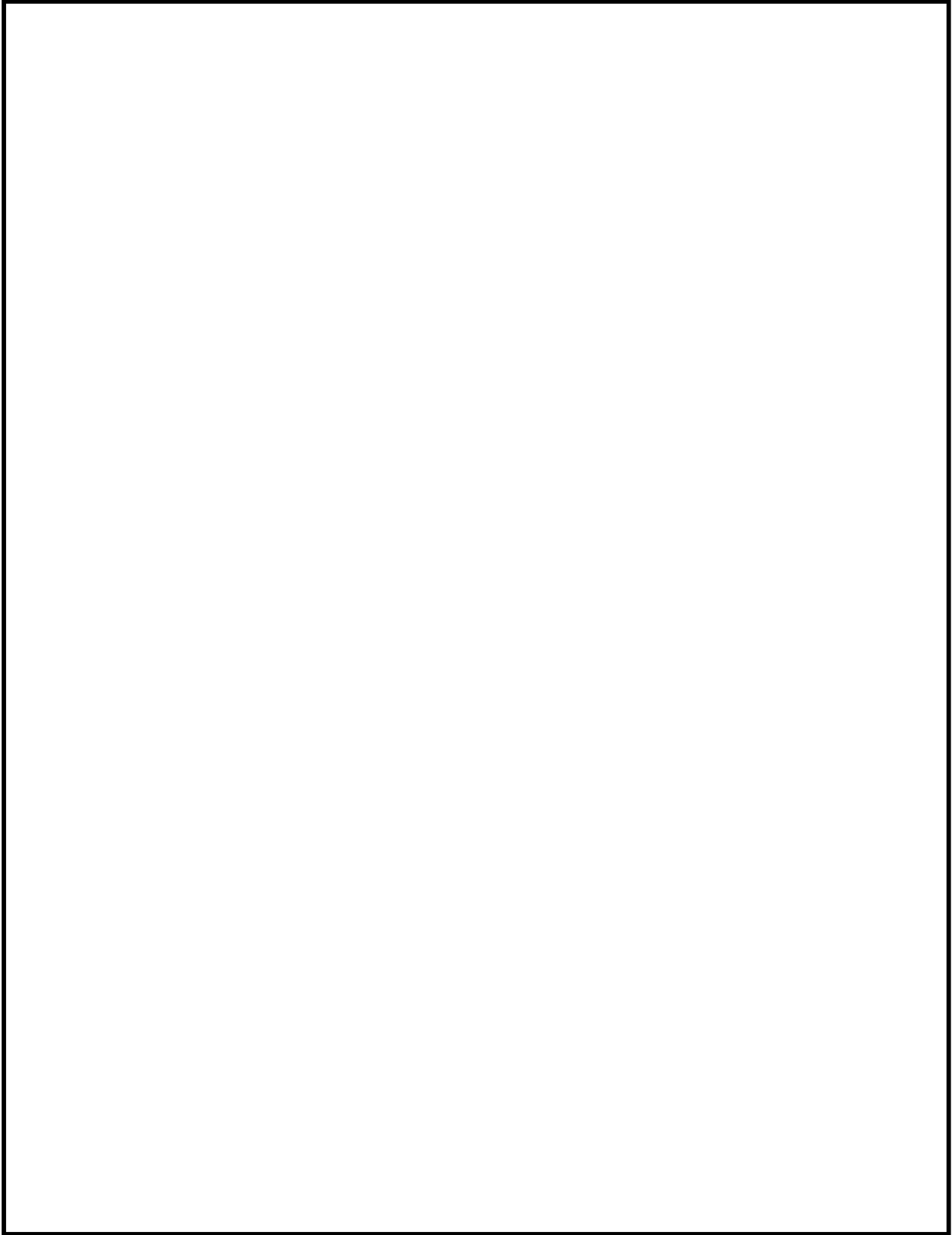


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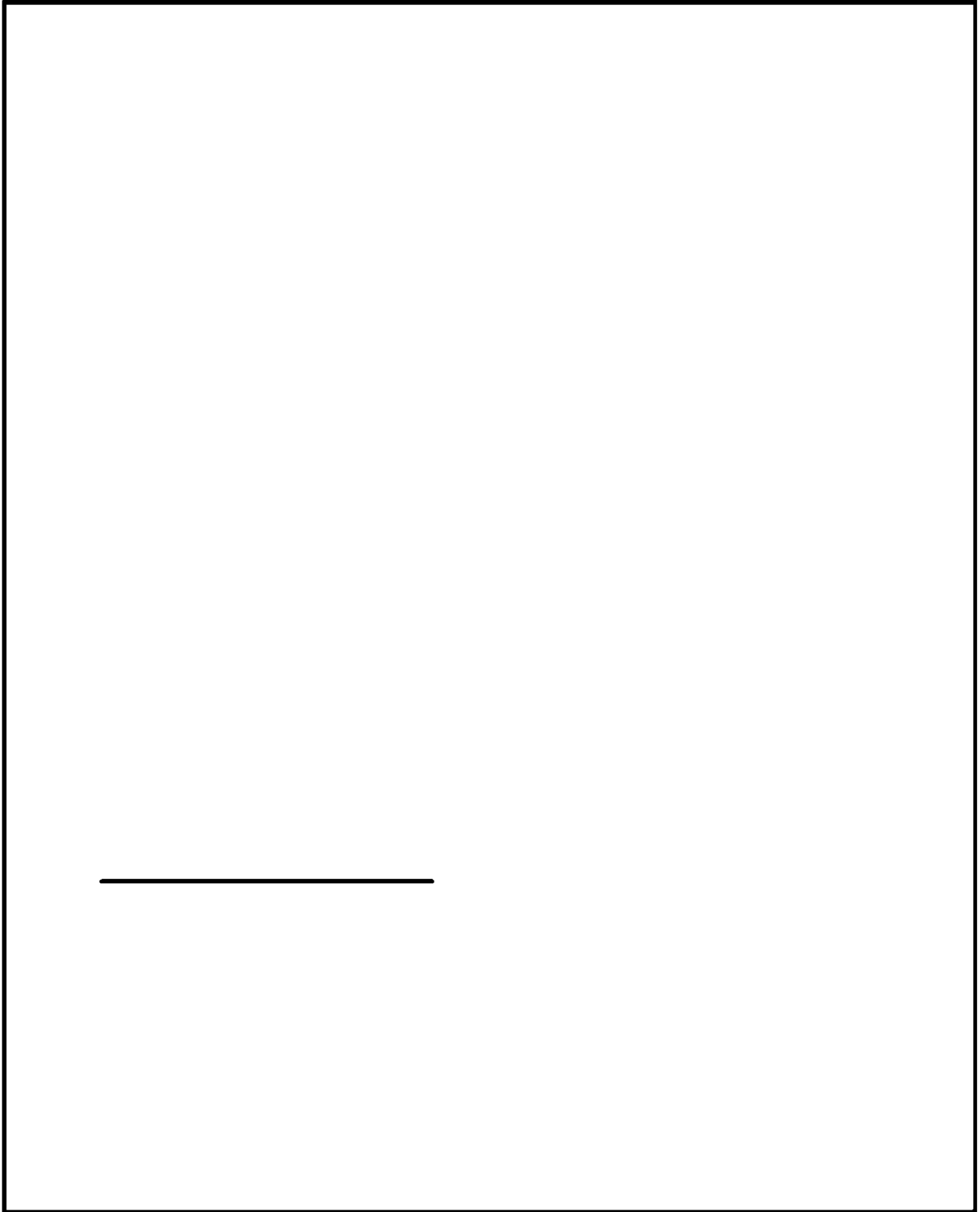
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NSL VIO-20545



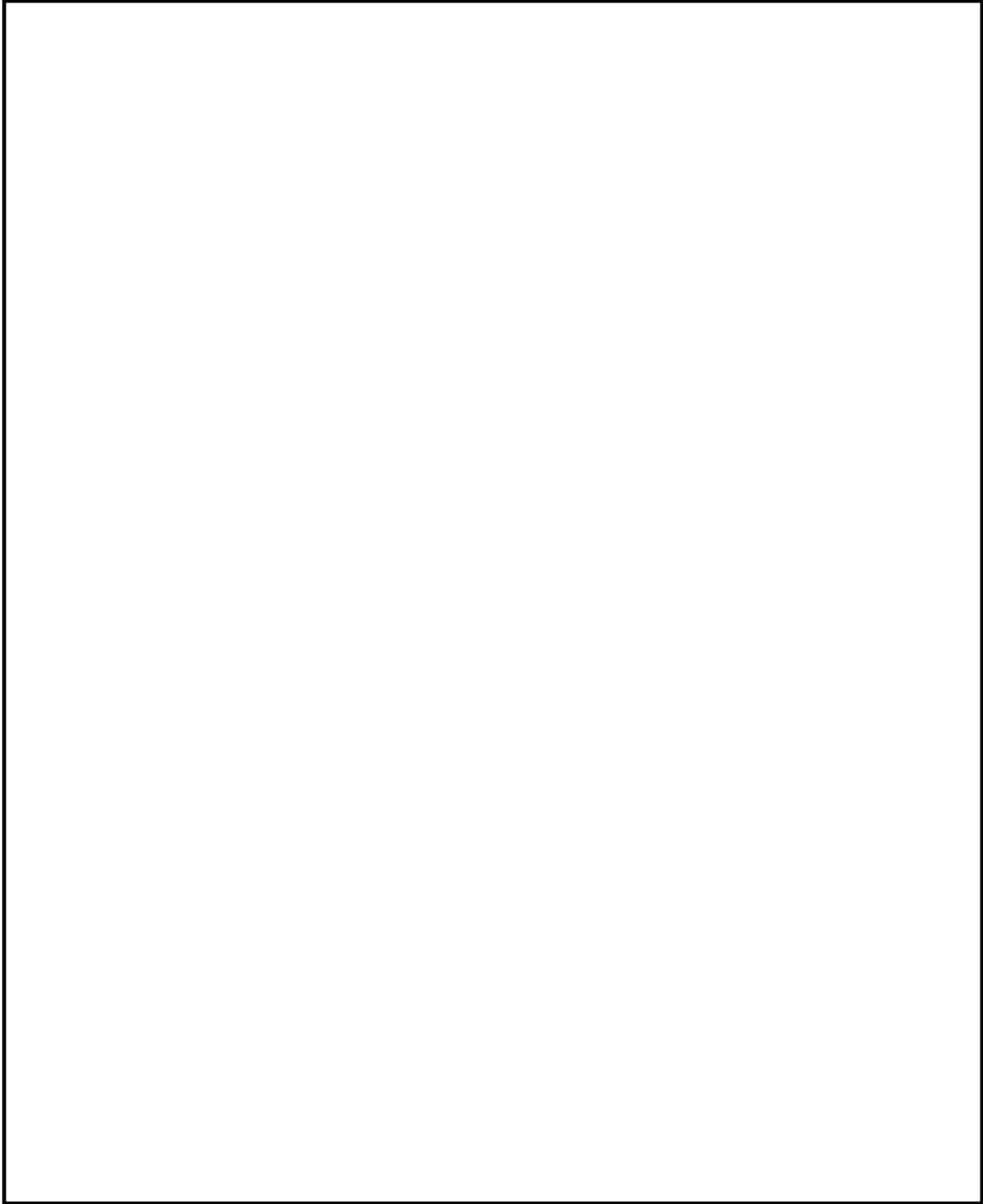
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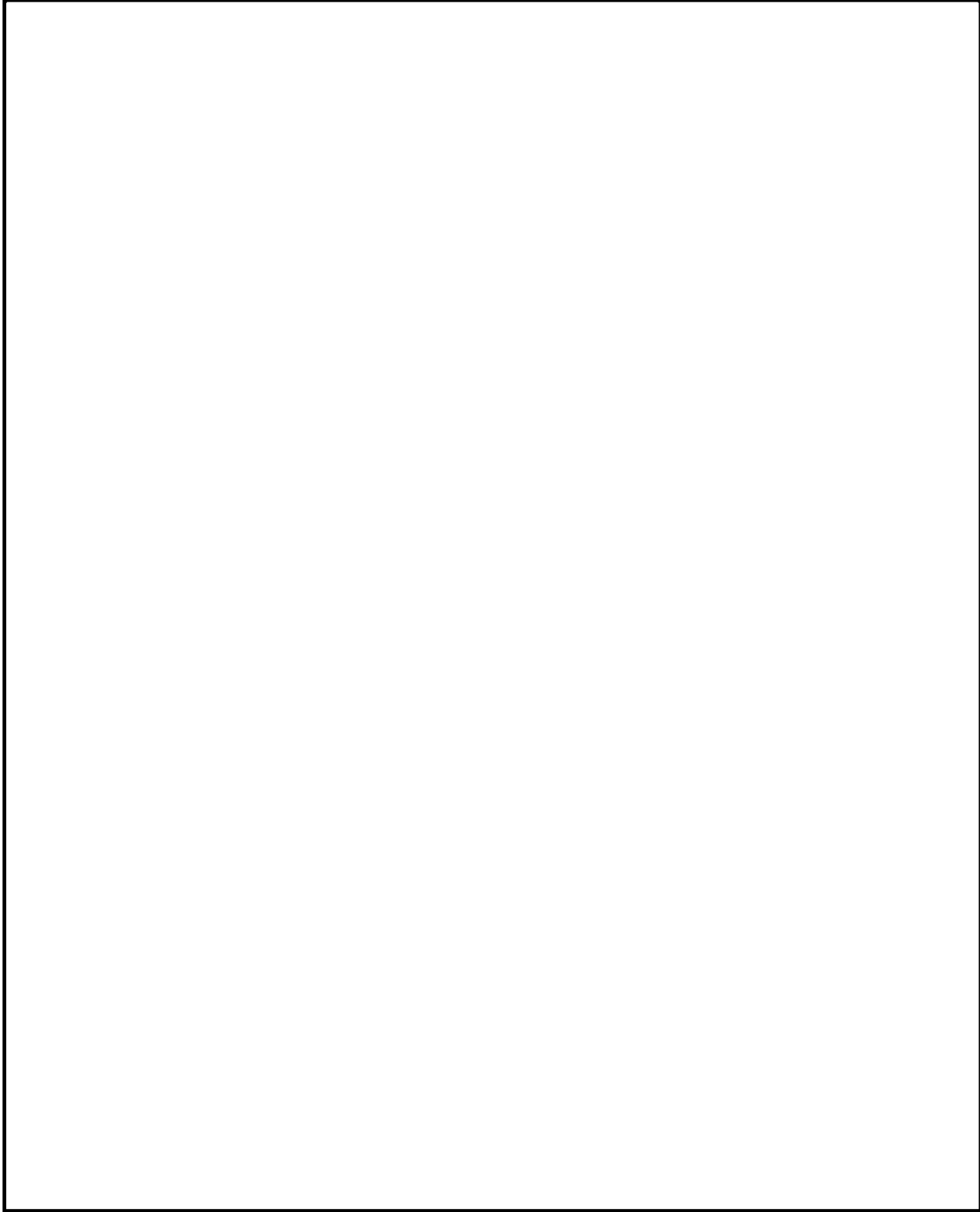


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NSL VIO-20547

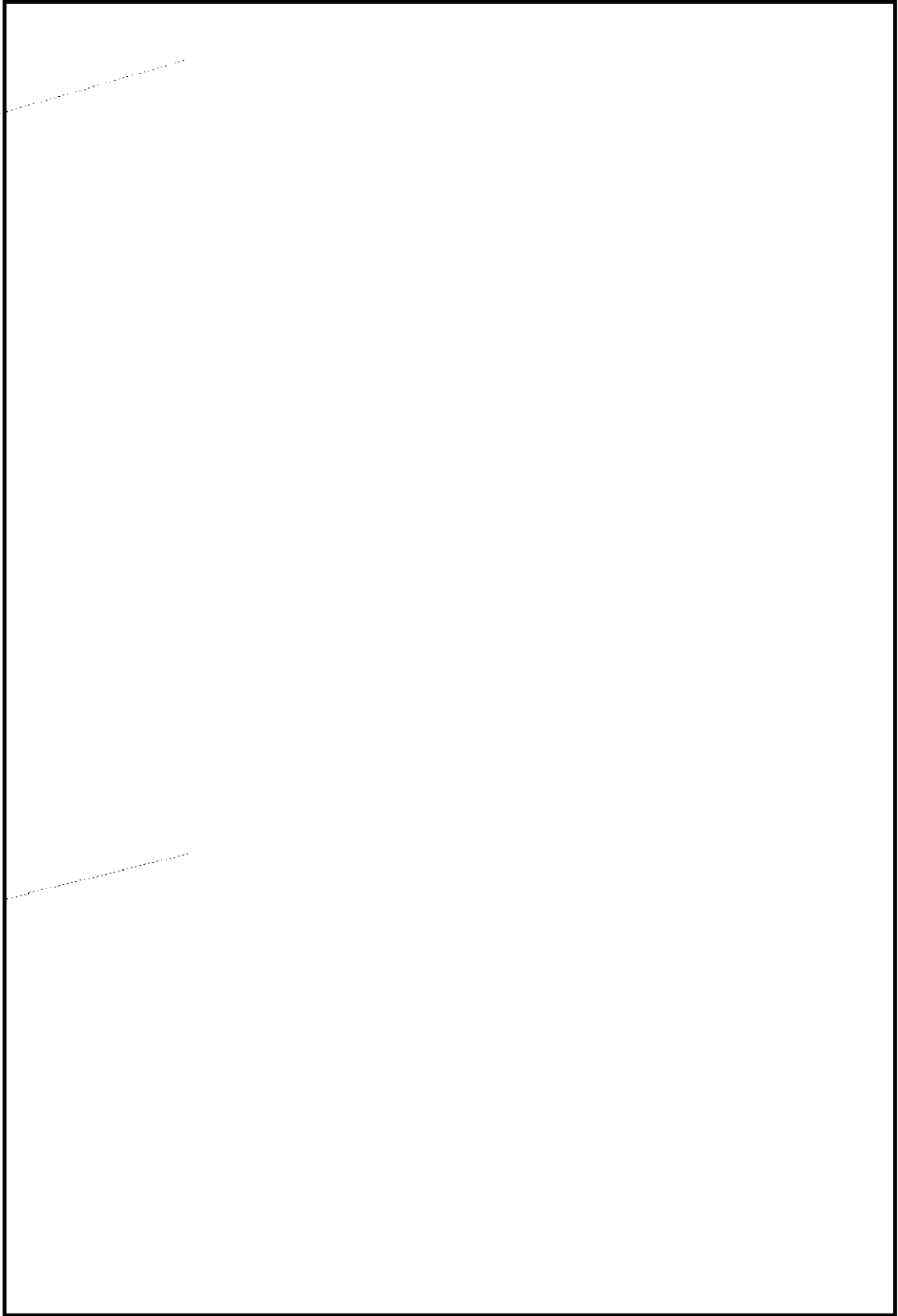
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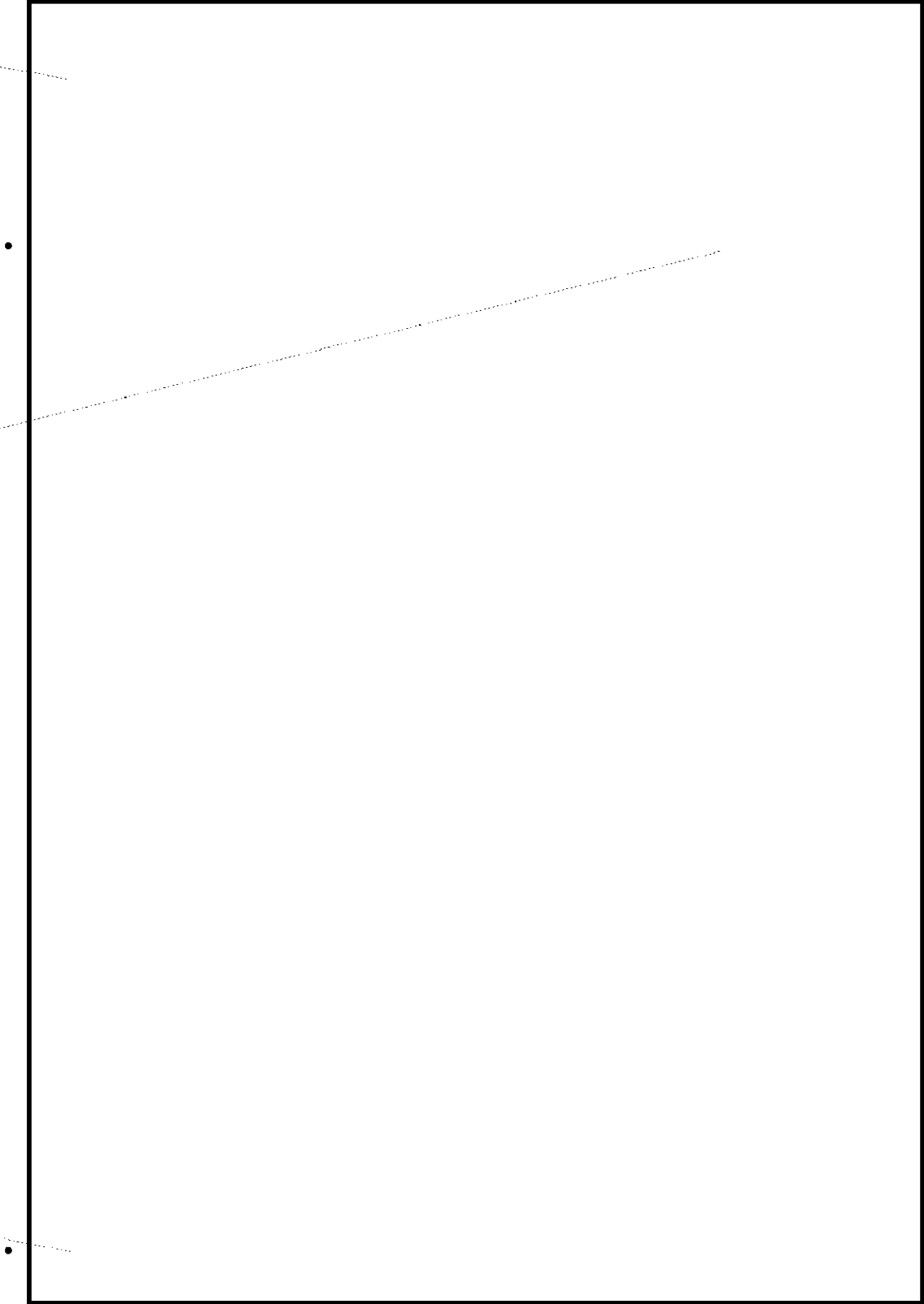
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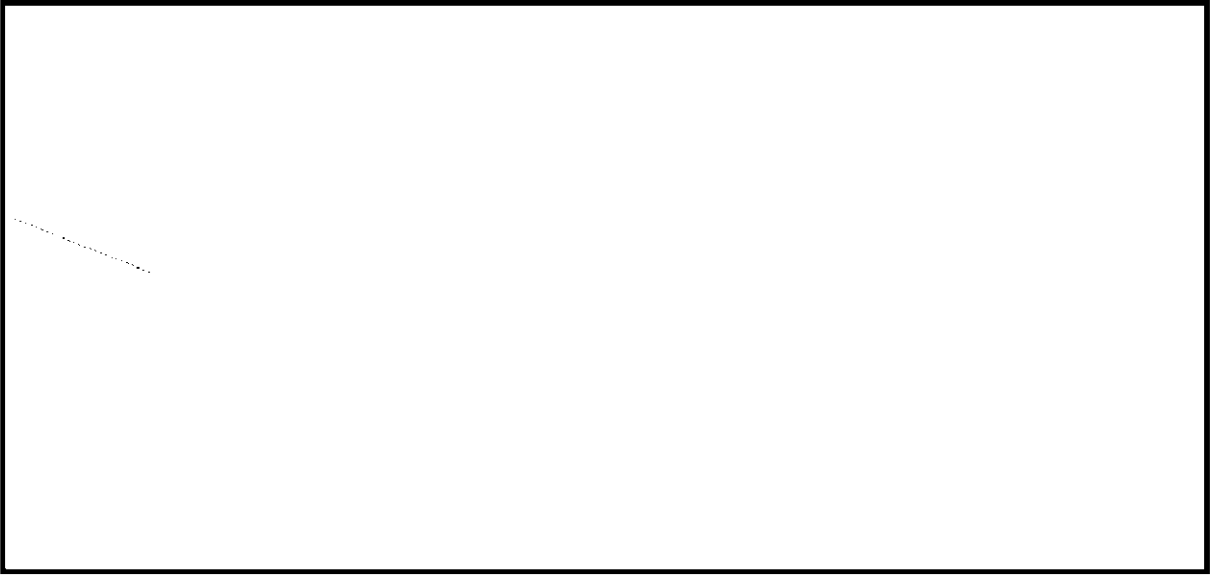


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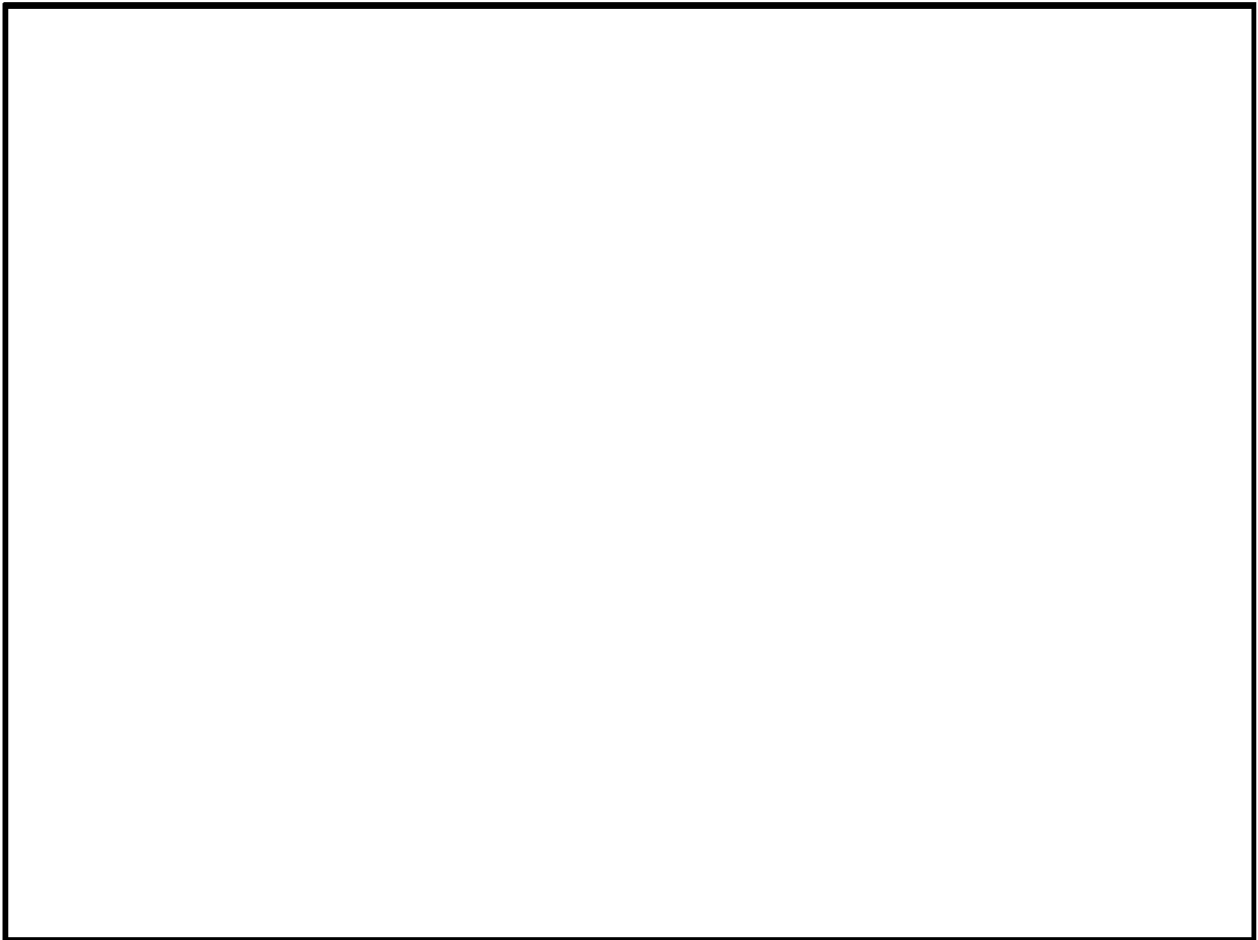
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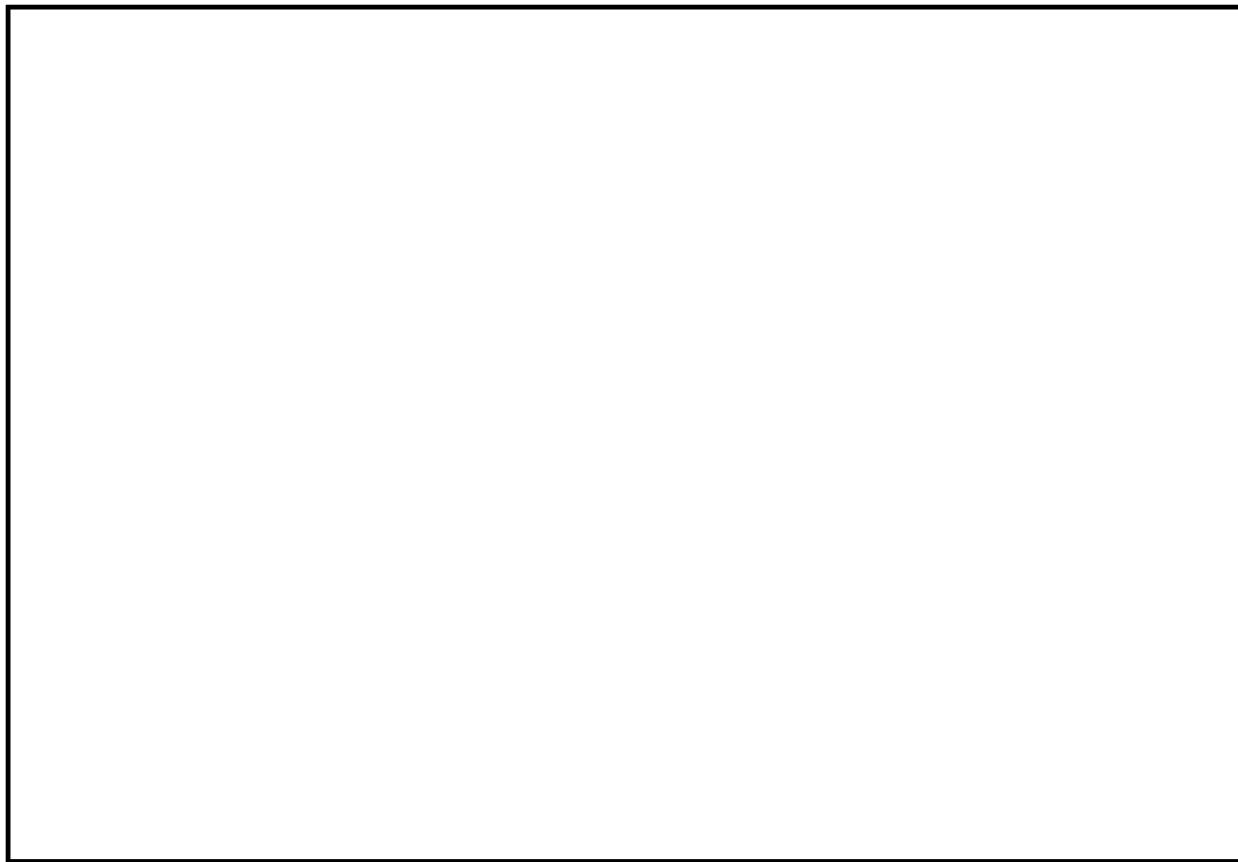
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NSL VIO-20552



U.S. Department of Justice

Federal Bureau of Investigation

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Washington, D.C. 20535-0001

**FOR IMMEDIATE RELEASE**  
**March 9, 2007**  
**www.fbi.gov**

**NATIONAL PRESS OFFICE**  
**(202) 324-3691**

**RESPONSE TO DOJ INSPECTOR GENERAL'S REPORT ON FBI'S USE OF  
NATIONAL SECURITY LETTERS**

*Washington, D.C.* – In the post-9/11 world, the National Security Letter (NSL) remains an indispensable investigative tool. NSLs contribute significantly to the FBI's ability to carry out its national security responsibilities by directly supporting its counterterrorism, counterintelligence, and intelligence missions. NSLs also allow the FBI to obtain information to eliminate concerns about individuals and close down investigations with a high degree of confidence there is no terrorism or adverse intelligence-gathering threat. We are pleased the Inspector General concurs with the FBI concerning the value of the NSL tool.

“The Inspector General conducted a fair and objective review of the FBI's use of a proven and useful investigative tool,” said Director Robert S. Mueller, III, “and his finding of deficiencies in our processes is unacceptable. We strive to exercise our authorities consistent with the privacy protections and civil liberties that we are sworn to uphold. Anything less will not be tolerated. While we've already taken some steps to address these shortcomings, I am ordering additional corrective measures to be taken immediately,” Mueller said.

Importantly, the OIG found no deliberate or intentional misuse of authorities, whether NSL statutes or Attorney General Guidelines. Nevertheless, the OIG review identified several areas of inadequate auditing and oversight of these vital investigative tools, as well as inappropriate processes, and these are findings of significant concern.

As a result, Director Mueller is implementing reforms to the process designed to correct those deficiencies identified – with accountability. Those steps include strengthening internal controls, changing policies and procedures to improve oversight of the NSL approval process, barring certain practices identified in the Inspector General's report, and ordering an expedited inspection.

The FBI will work together with DOJ's National Security Division and the Privacy and Civil Liberties Office to implement these reforms. Throughout this process, the FBI will continue to work closely with the OIG to gauge progress and consider any additional reforms.

(more)

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NSL VIO-20566



In its review, the OIG took into consideration the environment in which the Bureau has functioned over the last five years. Since September 11, 2001, as the report noted, the FBI has undergone major reorganization. The men and women of the Bureau's Counterterrorism Division, in particular, have carried an extraordinary workload, transforming operations while working at a breakneck pace protect Americans. The OIG also recognized the importance of NSLs, citing a number of instances in which they have been used by the FBI to gather the basic building blocks of its counterterrorism and counterintelligence investigations.

The deficiencies identified, however, require the FBI to redouble its efforts to ensure we do not repeat the mistakes in the use of these authorities, however lacking in intent. Any report of possible violations of legal authorities will continue to be carefully reviewed, and, if warranted, referred to the appropriate entities. If we determine that we obtained any information to which we were not legally entitled, whether due to FBI or third-party error, that information will be sealed, sequestered, and where appropriate, destroyed. In addition, employee conduct related to these violations will be reviewed and, if appropriate, employees will be disciplined.

The OIG report made ten recommendations in response to its findings, designed to provide both the necessary controls over the issuance of NSLs and the creation and maintenance of accurate records. Director Mueller assured the Inspector General, in a detailed response included in the report, that the FBI fully supports each recommendation.

The FBI concurs with the Inspector General that, when implemented, these reforms can improve the accuracy of the reporting of the use of NSLs and ensure compliance with the requirements governing their use. Along with those already put in place, these reforms will ensure full compliance with both the letter and the spirit of the authorities entrusted to the Bureau, and will strengthen the process, alleviate concerns, and ensure the confidence of the Congress and the American public, while allowing the FBI to continue to protect the nation from those who would do us harm.

####

b5

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NSL VIO-20568

**From:** PISTOLE, JOHN S. (DO) (FBI)  
**Sent:** Thursday, March 22, 2007 6:34 AM  
**To:** MUELLER, ROBERT S. III (DO) (FBI); FORD, JOSEPH L. (DO) (FBI);  
RAWLS, WILLIAM LEE (DO) (FBI); MONACO, LISA (DO) (OGA)  
**Subject:** FW: [REDACTED]

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**NON-RECORD**

Director, as we discussed yesterday. Joe, let's discuss. Tks,  
John

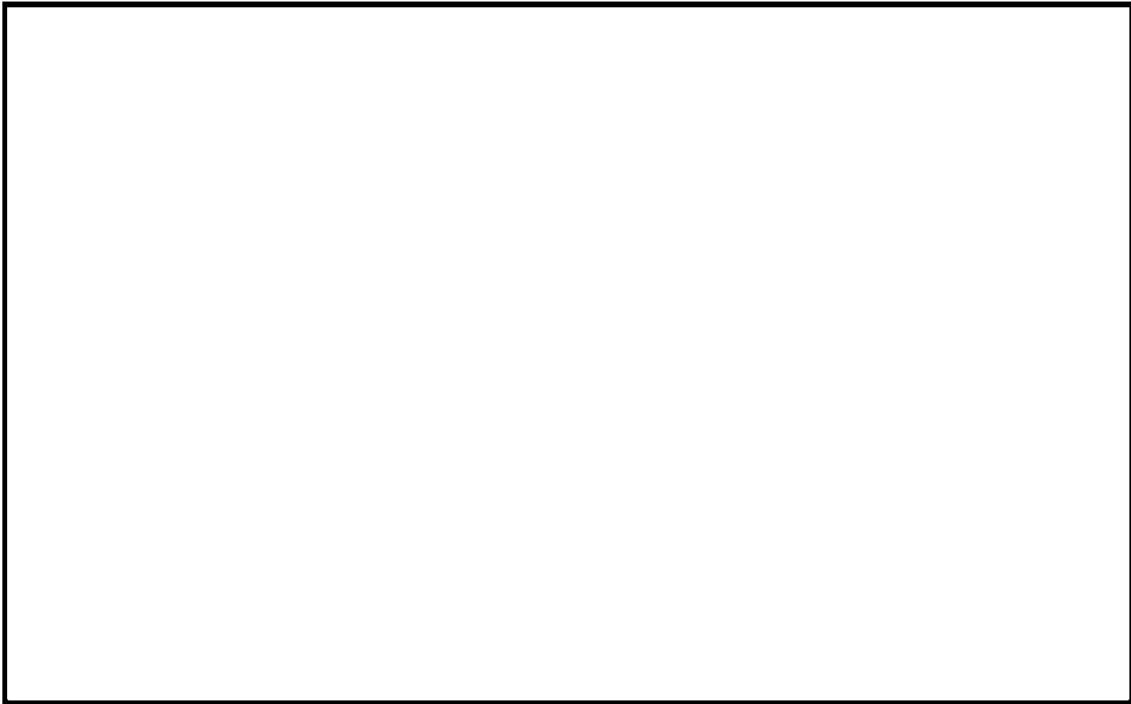
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-----Original Message-----

**From:** [REDACTED] (DO) (FBI)  
**Sent:** Wednesday, March 21, 2007 6:08 PM  
**To:** PISTOLE, JOHN S. (DO) (FBI)  
**Subject:** [REDACTED]

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**NON-RECORD**

outside the Scope



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DATE 09-26-2007 BY 65179 dmh/ksr/gcl

**From:** CAPRONI, VALERIE E. (OGC) (FBI)  
**Sent:** Thursday, March 29, 2007 8:17 AM  
**To:** MONACO, LISA (DO) (OGA); THOMAS, JULIE F. (OGC) (FBI)  
**Subject:** RE: ACTION REQUIRED: OIG Final Reports on the FBI's Use of Authority Under the Patriot Act

**SENSITIVE BUT UNCLASSIFIED**  
**NON-RECORD**

Welcome to my world.

-----Original Message-----

**From:** MONACO, LISA (DO) (OGA)  
**Sent:** Wednesday, March 28, 2007 6:39 PM  
**To:** CAPRONI, VALERIE E. (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI)  
**Subject:** FW: ACTION REQUIRED: OIG Final Reports on the FBI's Use of Authority Under the Patriot Act

**SENSITIVE BUT UNCLASSIFIED**  
**NON-RECORD**

I plead confusion -- didn't we just spend a ton of time responding to the recommendations?  
Is this to provide a status report at the end of April?

-----Original Message-----

**From:** [redacted] NSB) (FBI)  
**Sent:** Wednesday, March 28, 2007 6:12 PM  
**To:** THOMAS, JULIE F. (OGC) (FBI); [redacted] (CTD) (FBI); [redacted] (CTD) (FBI); [redacted] (CyD) (FBI); [redacted] (CyD) (FBI); [redacted] (CD) (FBI)  
**Cc:** [redacted] (INSD) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); MONACO, LISA (DO) (OGA); LAMMERT, ELAINE N. (OGC) (FBI); [redacted] (INSD) (FBI); [redacted] (DO) (FBI); [redacted] (CD) (FBI)  
**Subject:** FW: ACTION REQUIRED: OIG Final Reports on the FBI's Use of Authority Under the Patriot Act

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**NON-RECORD**

Good afternoon,

OGC has taken the lead in developing the response to these OIG recommendations and will provide a draft to NSB for comment prior to the April 24 deadline.

However, if NSB divisions have input they would like incorporated into OGC's draft at this time, please forward your comments to me NLT COB April 10, and NSB will submit them to OGC.

Thank you, and please let me know if you have any questions.

Best regards,

[redacted]

Acting Unit Chief  
Communications Unit  
National Security Branch

[redacted]

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NSL VIO-20576

-----Original Message-----

**From:** [REDACTED] (INSD) (FBI)  
**Sent:** Monday, March 19, 2007 11:18 AM  
**To:** THOMAS, JULIE E. (OGC) (FBI); [REDACTED] (NSB) (FBI); [REDACTED] (FBI);  
[REDACTED] (CTD) (FBI); [REDACTED] (CTD) (FBI); [REDACTED] (CyD) (FBI);  
[REDACTED] (CyD) (FBI); [REDACTED] (CD) (FBI)  
**Cc:** [REDACTED] (INSD) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC)  
(FBI); MONACO, LISA (DO) (OGA); LAMMERT, ELAINE N. (OGC) (FBI)  
**Subject:** ACTION REQUIRED: OIG Final Reports on the FBI's Use of Authority Under the Patriot Act

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**NON-RECORD**

Good Morning,

As you know, OIG has completed the review of the FBI's use of Section 215 orders and NSLs under the authority of the Patriot Act for fiscal years 2002 - 2005. The final reports were provided to the media (unclassified) and FBI on March 8, and delivered to the Assistant Directors and EADs for your divisions/branches on March 9. Unclassified copies of each report are located on the INSD website, Audit Compliance link, OIG Audit Library, under the following titles:

1. "A Review of the Federal Bureau of Investigation's Use of Section 215 Orders for Business Records" (Section 215)
2. "A Review of the Federal Bureau of Investigation's Use of National Security Letters" (NSLs)

This message is to (a) confirm that you are aware of the release of the reports and (b) notify you that there are 10 recommendations in the NSLs report that require responses from your divisions (to INSD/EAMU) by 2 PM, April 24. No recommendations were issued in the Section 215 report; however, there are items that will be revisited in the FY 2006 review.

CTD, CD, and CyD may want to coordinate their responses to the recommendations through NSB, so that a consolidated response can be provided to INSD. INSD will combine NSB's responses with those provided by OGC and present the consolidated response to all parties for final review prior to submission to OIG. In order for the coordinated, consolidated recommendation responses to be released to OIG by their deadline, INSD must have all input by Tuesday, April 24.

The recommendations are attached to simplify the response process and provide a consistent format.

<< File: 06-20\_RCM\_NSLs\_042007.doc >>

Due to the nature of this review, significance of the report findings and recommendations, high visibility of the report, and the reviews currently in progress for FY 2006 NSLs and Section 215 orders, a 60-day recommendation/response cycle has been established (which is subject to change, based on the responses provided in this initial effort). The responses should be provided in consideration of and addition to the FBI's internal efforts to address concerns raised in the reports.

Please let me know if you have any questions or need additional information. Otherwise, we will anticipate all responses on or before April 24.

Regards.

[Redacted]

Inspection Division, EAS/II  
FDHQ, JEH, Room 3233

[Redacted]

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**SENSITIVE BUT UNCLASSIFIED**

**SENSITIVE BUT UNCLASSIFIED**

**SENSITIVE BUT UNCLASSIFIED**

**SENSITIVE BUT UNCLASSIFIED**

**SENSITIVE BUT UNCLASSIFIED**

**SENSITIVE BUT UNCLASSIFIED**

**From:** [redacted] (INSD) (FBI)  
**Sent:** Monday, March 26, 2007 9:25 AM  
**To:** MONACO, LISA (DO) (OGA)  
**Subject:** RE:

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**NON-RECORD**



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(10 KB)

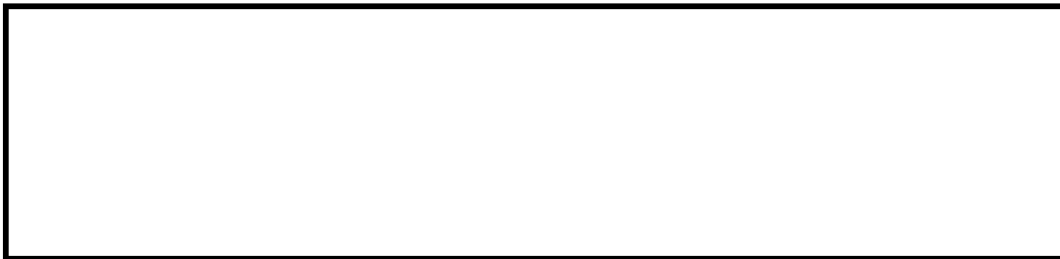
CONOPS attached. We are definitely going to address your concerns below. We will be up in a minute to discuss further.

-----Original Message-----

**From:** MONACO, LISA (DO) (OGA)  
**Sent:** Monday, March 26, 2007 8:40 AM  
**To:** [redacted] (INSD) (FBI)  
**Cc:** CAPRONI, VALERIE E. (OGC) (FBI)  
**Subject:** RE:

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Thanks

-----Original Message-----

**From:** [redacted] (INSD) (FBI)  
**Sent:** Sunday, March 25, 2007 12:57 PM  
**To:** MONACO, LISA (DO) (OGA)  
**Subject:**

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<< File: OCA NSL Response.wpd >> Lisa This is the chart to be sent to OCA [redacted]



Let me know [redacted]

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NSL VIO-20592



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NSL VIO-20682

**From:** KALISCH, ELENI P. (OCA) (FBI)  
**Sent:** Monday, March 26, 2007 3:21 PM  
**To:** MONACO, LISA (DO) (OGA)  
**Subject:** RE: Oral Remarks


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**NON-RECORD**

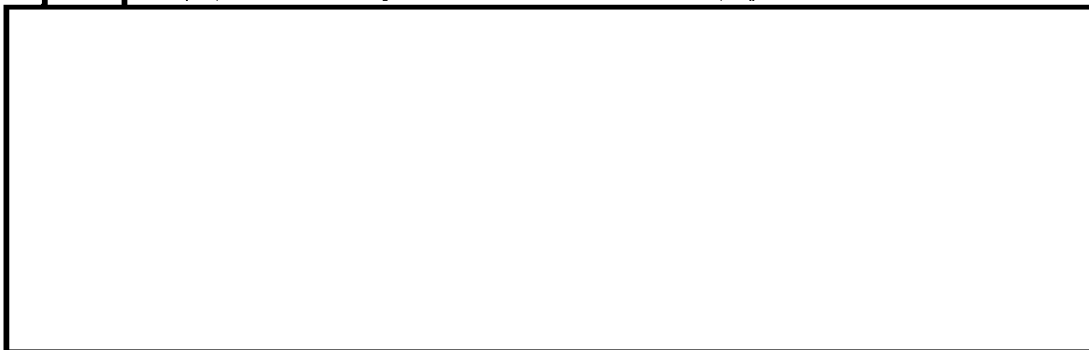
Thanks. Changes made.

-----Original Message-----

**From:** MONACO, LISA (DO) (OGA)  
**Sent:** Monday, March 26, 2007 3:09 PM  
**To:** KALISCH, ELENI P. (OCA) (FBI); CAPRONI, VALERIE E. (OGC) (FBI); RAWLS, WILLIAM LEE (DO) (FBI); MILLER, JOHN J. (OPA) (FBI)  
**Subject:** RE: Oral Remarks

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**NON-RECORD**

 - sorry I just went through this -- 2 comments: both on page 2.



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-----Original Message-----

**From:** KALISCH, ELENI P. (OCA) (FBI)  
**Sent:** Monday, March 26, 2007 12:24 PM  
**To:** MONACO, LISA (DO) (OGA); CAPRONI, VALERIE E. (OGC) (FBI); RAWLS, WILLIAM LEE (DO) (FBI); MILLER, JOHN J. (OPA) (FBI)  
**Subject:** Oral Remarks

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Attached is the current draft of the Director's oral remarks for tomorrow's hearing.

Lisa: I am leaving the two NSL examples blank until we can all settle on two that are appropriate.

<< File: Oral Remarks 3.wpd >>

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NSL VIO-20713

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**From:** PISTOLE, JOHN S. (DO) (FBI)  
**Sent:** Tuesday, March 27, 2007 5:54 AM  
**To:** MONACO, LISA (DO) (OGA)  
**Subject:** RE: Oral Remarks

**UNCLASSIFIED**  
**NON-RECORD**

Thanks....

-----Original Message-----

**From:** MONACO, LISA (DO) (OGA)  
**Sent:** Monday, March 26, 2007 6:28 PM  
**To:** HULON, WILLIE T. (DO) (FBI); PISTOLE, JOHN S. (DO) (FBI)  
**Subject:** FW: Oral Remarks

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**NON-RECORD**

See below for the draft remarks Eleni has done -- there are a few changes still being made - we have not yet settled on cleared, unclass examples.

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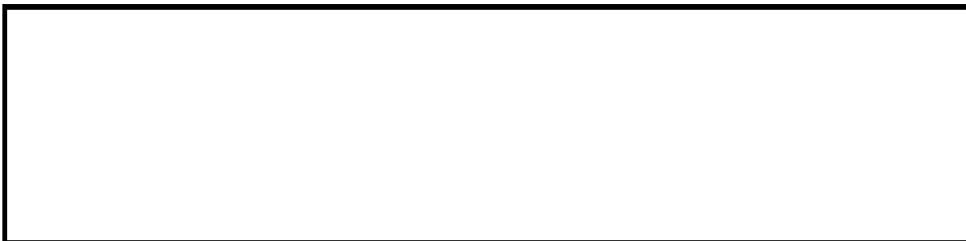


-----Original Message-----

**From:** KALISCH, ELENI P. (OCA) (FBI)  
**Sent:** Monday, March 26, 2007 12:24 PM  
**To:** MONACO, LISA (DO) (OGA); CAPRONI, VALERIE E. (OGC) (FBI); RAWLS, WILLIAM LEE (DO) (FBI); MILLER, JOHN J. (OPA) (FBI)  
**Subject:** Oral Remarks

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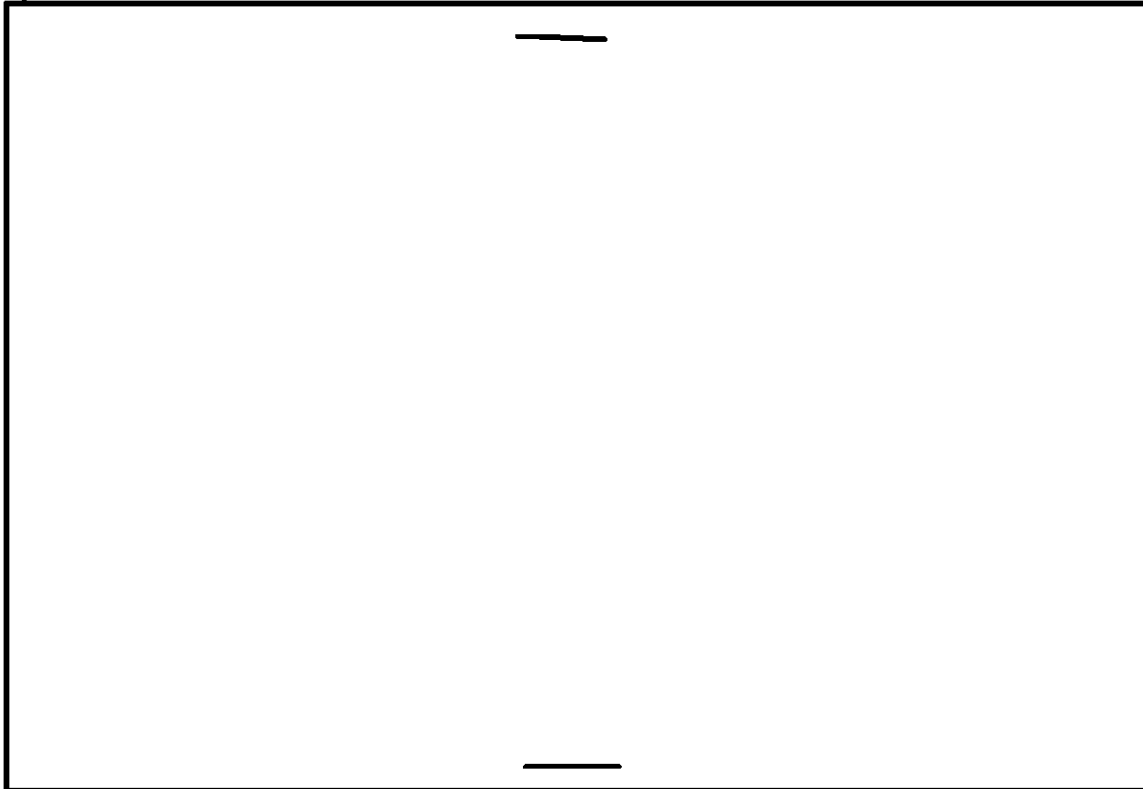
b6  
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**From:** [redacted] OCIO) (FBI)  
**Sent:** Friday, March 02, 2007 8:07 PM  
**To:** HILTON, WILLIE T. (DO) (FBI); CAPRONI, VALERIE E. (OGC) (FBI);  
[redacted] (ITOD)(FBI); MONACO, LISA (DO) (OGA);  
HARRINGTON, T. J. (CTD) (FBI); BILLY, JOSEPH (CTD) (FBI)  
**Subject:** RE: Proposed FSL ACS/OGC Review Methodology

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**RECORD 315**

All,

Attached and also included below is a rough diagram of the process flow as we understand it.



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[redacted]

FBIHQ, JEH Rm 9959

[redacted]

[redacted] Office)

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ON 09-21-2007

NSL VIO-20716

[Redacted] (Cell/Blackberry)  
[Redacted] (Pager)  
[Redacted] (Fax UNCLASS)  
[Redacted] (Blackberry UNCLASS)

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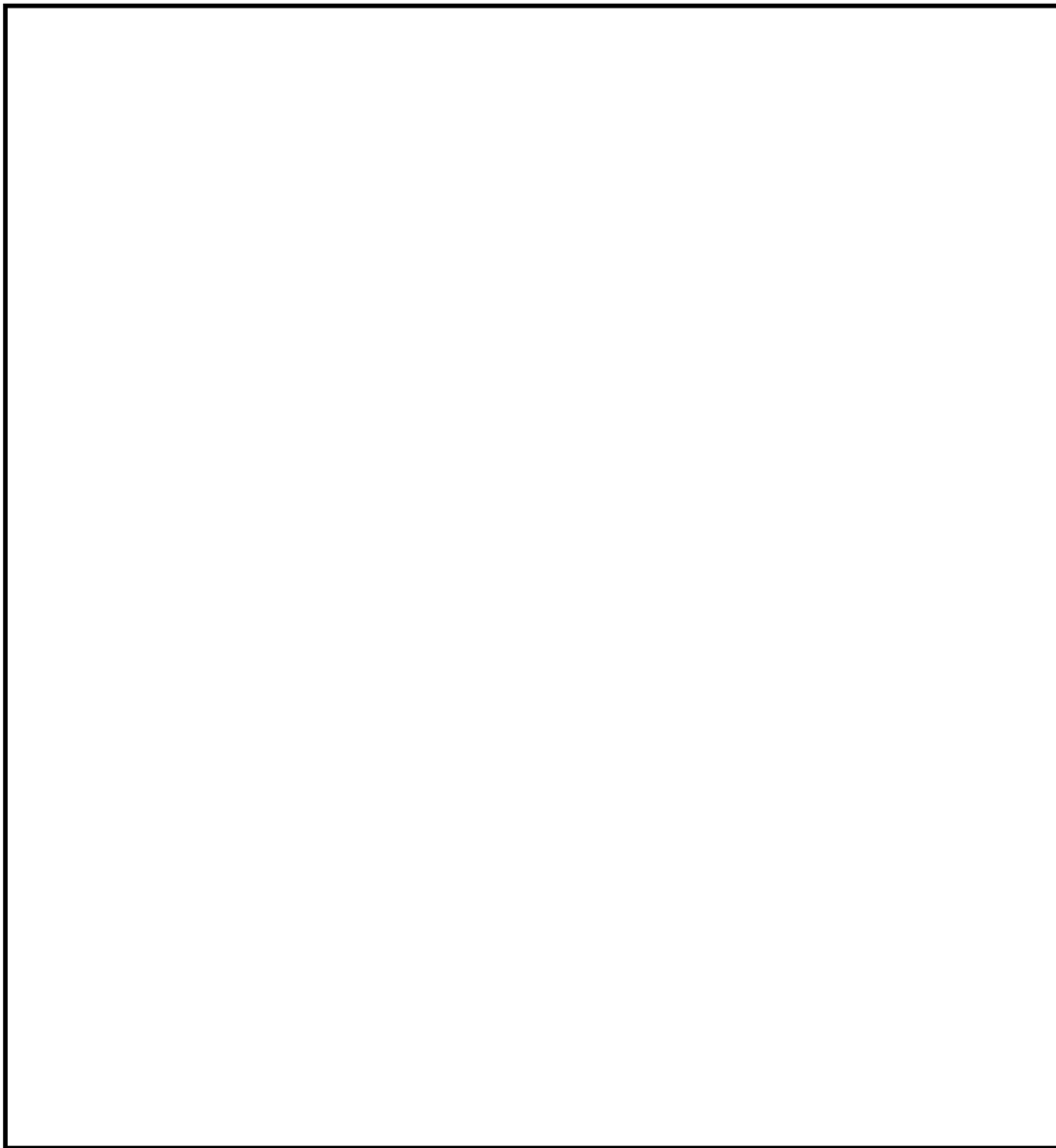
-----Original Message-----

**From:** [Redacted] (OCIO) (FBI)  
**Sent:** Friday, March 02, 2007 5:59 PM  
**To:** HULON, WILLIE T. (DO) (FBI); CAPRONI, VALERIE E. (OGC) (FBI); [Redacted]  
(ITOD)(FBI); MONACO, LISA (DO) (OGA); HARRINGTON, T. J. (CTD) (FBI); BILLY, JOSEPH  
(CTD) (FBI)  
**Subject:** Proposed FSL ACS/OGC Review Methodology

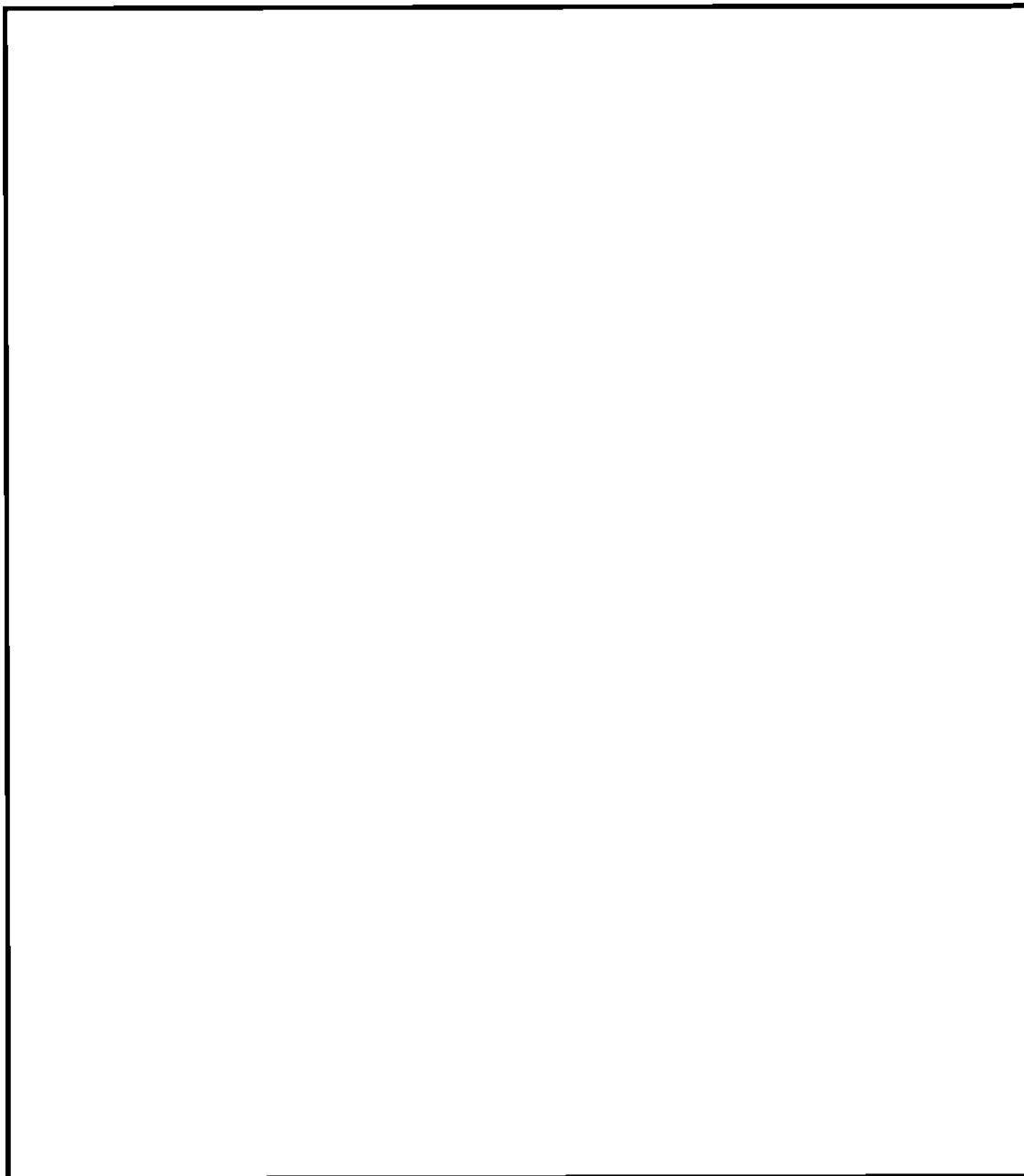
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~~SECRET//NOFORN~~

~~DERIVED FROM: Multiple Sources~~  
~~DECLASSIFY ON: 20320302~~  
~~SECRET//NOFORN~~

**From:** PISTOLE, JOHN S. (DO) (FBI)  
**Sent:** Monday, March 12, 2007 12:54 PM  
**To:** MONACO, LISA (DO) (OGA)  
**Subject:** RE: Retrospective Audit Plan

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**NON-RECORD**

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Thanks, I've ask [redacted] to check on Ken's availability after tomorrow morning's brief also, but pls go ahead regardless of whether he and I can personally meet.

-----Original Message-----

**From:** MONACO, LISA (DO) (OGA)  
**Sent:** Monday, March 12, 2007 12:49 PM  
**To:** PISTOLE, JOHN S. (DO) (FBI); KAISER, KENNETH W. (INSD) (FBI); CAPRONI, VALERIE E. (OGC) (FBI); HULON, WILLIE T. (DO) (FBI); BILLY, JOSEPH (CTD) (FBI); FORD, JOSEPH L. (DO) (FBI)  
**Subject:** Retrospective Audit Plan

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I spoke with Ken Wainstein regarding [redacted]

[redacted]

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**From:** [redacted] (OPA) (FBI)  
**Sent:** Friday, March 02, 2007 3:31 PM  
**To:** MONACO, LISA (DO) (OGA); KORTAN, MICHAEL P. (OPA) (FBI);  
KALISCH, ELENI P. (OCA) (FBI); CAPRONI, VALERIE E. (OGC) (FBI);  
BEERS, ELIZABETH RAE (OCA) (FBI); [redacted] (OPA) (FBI);  
[redacted] (OPA) (FBI)  
**Subject:** RE: timeline  
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Here is the timeline with both Mike's and Lisa's revisions.



NSL IG Report  
Response timelin...

-----Original Message-----  
**From:** MONACO, LISA (DO) (OGA)  
**Sent:** Friday, March 02, 2007 3:25 PM  
**To:** KORTAN, MICHAEL P. (OPA) (FBI); KALISCH, ELENI P. (OCA) (FBI); CAPRONI, VALERIE E. (OGC) (FBI); BEERS, ELIZABETH RAE (OCA) (FBI); [redacted] (OPA) (FBI); [redacted] (OPA) (FBI); [redacted] (OPA) (FBI); [redacted] (OPA) (FBI)  
**Subject:** RE: [redacted] (OPA) (FBI)

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**NON-RECORD**

Mike -- per my meeting [redacted] and the director -- please [redacted]  
[redacted]

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-----Original Message-----  
**From:** [redacted] (OPA) (FBI)  
**Sent:** Friday, March 02, 2007 2:55 PM  
**To:** MONACO, LISA (DO) (OGA); [redacted] (OCA) (FBI); CAPRONI, VALERIE E. (OGC) (FBI);  
BEERS, ELIZABETH RAE (OCA) (FBI); [redacted] (OPA) (FBI); [redacted] (OPA) (FBI); [redacted] (OPA) (FBI); [redacted] (OPA) (FBI)  
**Subject:** [redacted]

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<< File: NSL IG Report Response timeline.doc >>

Updated timeline.

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**From:** CAPRONI, VALERIE E. (OGC) (FBI)  
**Sent:** Wednesday, March 07, 2007 8:49 AM  
**To:** PERSICHINI, JOSEPH (WF) (FBI); PISTOLE, JOHN S. (DO) (FBI); KAISER, KENNETH W. (INSD) (FBI)  
**Cc:** MONACO, LISA (DO) (OGA); THOMAS, JULIE F. (OGC) (FBI)  
**Subject:** RE: WFO NSL Policy  
**UNCLASSIFIED**  
**NON-RECORD**

We are reaching out to find out what happened to that portion of the IG review.

b6  
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-----Original Message-----

**From:** [REDACTED] (FBI)  
**Sent:** Wednesday, March 07, 2007 5:45 AM  
**To:** PISTOLE, JOHN S. (DO) (FBI); CAPRONI, VALERIE E. (OGC) (FBI); KAISER, KENNETH W. (INSD) (FBI)  
**Cc:** MONACO, LISA (DO) (OGA)  
**Subject:** FW: [REDACTED] NSL Policy

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**NON-RECORD**

John,

I talked to Val briefly last night and learned that the audit conducted by the DOJ/IG consisted of only 77 files. That immediately raised my concerns over what they did with the results of their review at [REDACTED]. Last year we were instructed by the Inspection Division to pull [REDACTED] files for the DOJ/IG to review for an NSL audit. We pulled all the files, they came over for a week, the team leader was [REDACTED] and reviewed the files. When they left I did not receive an out brief or any indication of status of our files or the audit. I would hope that if there were any major deficiencies such as PIOB's I would have been notified. The [REDACTED] in my questions: [REDACTED] files were included in there audit would the error be reduced? Could we ask the IG for the results of [REDACTED] audit?

As it related to [REDACTED] I discussed this with Val last night and her staff is going to reach out for [REDACTED]. My people had a brief discussion with him yesterday and he believes that when he receives the requirements for OGC he can make the necessary adjustments [REDACTED]

As it related to an audit of existing files [REDACTED] has been reviewing the possibilities of [REDACTED] and when we receive our statistics form OGC we will compare the numbers. If not we will work with [REDACTED]

Attached you will see a draft of new policy that will be implemented at [REDACTED]

John, we at [REDACTED] want to be part of the solution and I have some great people who I think can assist. Just let us know what you want us to do.

[REDACTED]

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NSL VIO-20721



**From:** HQ\_DEPUTY\_DIRECTOR\_PISTOLE  
**Sent:** Wednesday, March 07, 2007 1:29 PM  
**To:** FBI\_SAC's; FBI\_ALL CDCs  
**Cc:** FBI\_ADs and EADs; THOMAS, JULIE F. (OGC) (FBI); MONACO, LISA (DO) (OGA) [REDACTED] (OGC) (FBI); RAWLS, WILLIAM LEE (DO) (FBI); FBI\_SAC\_ADIC\_SECRETARIES  
**Subject:** SAC Conference Call Re: OIG Report: FBI's Use of National Security Letters  
**UNCLASSIFIED**  
**NON-RECORD**

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All,

The PATRIOT ACT Reauthorization (2006) required the OIG to review the FBI's "effectiveness and use, including any improper or illegal use, of national security letters (NSLs)."

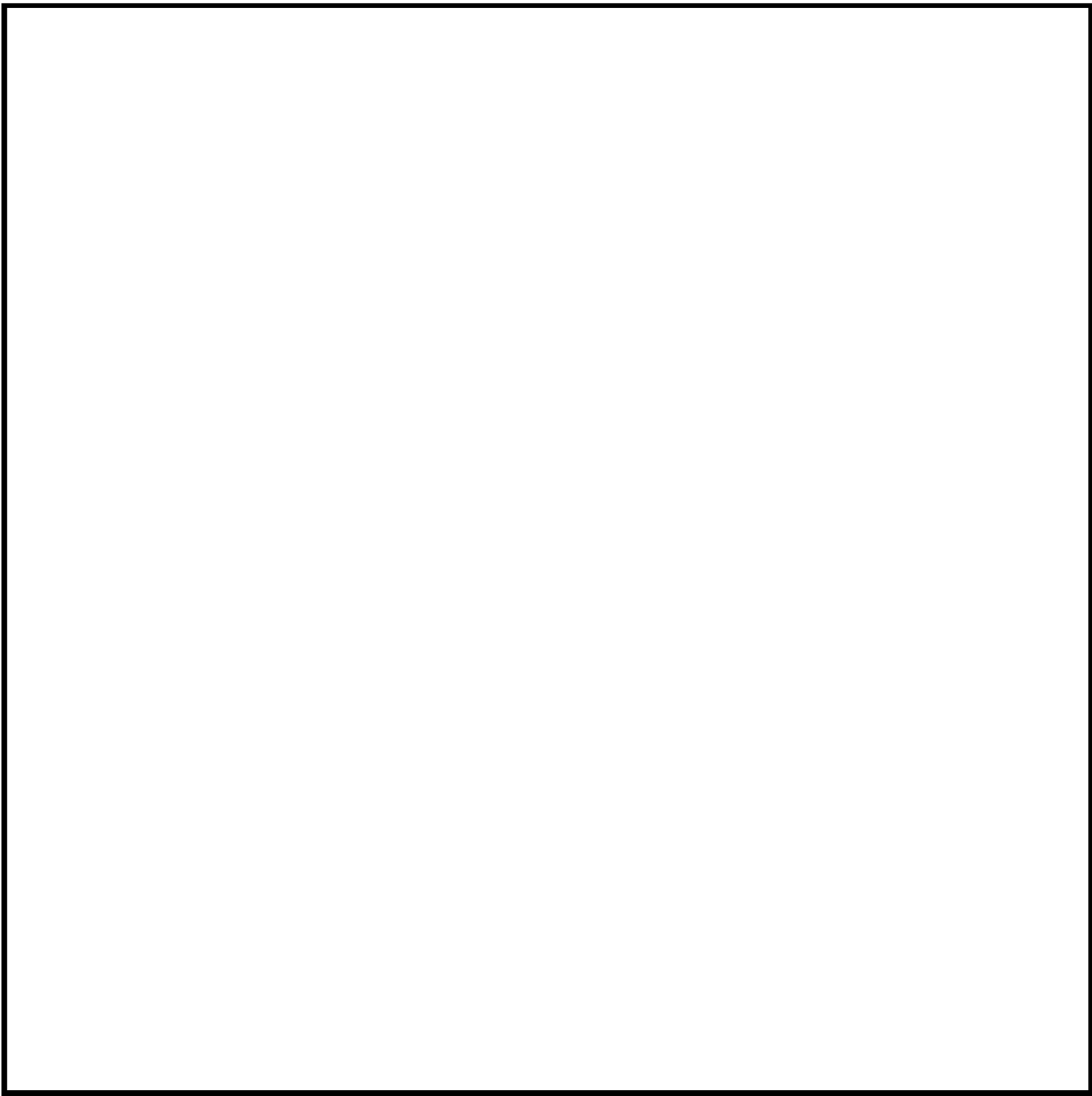
The first report covers the period 2003 – 2005.

The OIG found that NSLs are a valuable tool in the FBI's counterterrorism/intelligence mission and that there were no deliberate or intentional violations of the NSL authorities.

The key findings of the OIG included:

- Incomplete, inaccurate tracking data which resulted in deficiencies in the FBI database.
  - The database understates the total number of NSLs approved.
  - This resulted in inaccurate semi-annual reports to Congress on NSL usage.
  - Determined that signed copies of the approved NSLs were not being retained.
- Improper or Illegal use of NSLs
  - The OIG concluded that a significant number of potential IOB violations were not being identified and reported by the FBI. (22% of the files the OIG reviewed contained unreported violations).
  - NSLs were being issued from control files and not investigative files
  - FBI used "exigent letters" signed by CTD to obtain toll/subscriber records without first issuing NSLs.
    - "Exigent letters erroneously stated that Grand Jury subpoenas would be forthcoming."
    - Exigent letters were not regularly or promptly followed with promised legal process.
    - The "exigency" was not documented.

The 03/06/2007 SAC Conference call, chaired by the Deputy Director, involved discussion of the immediate steps the FBI must take to address the following issues: 1) Accurate reporting of use of NSLs; 2) Retention of NSLs; and 3) How to go about identifying past unreported IOB violations.

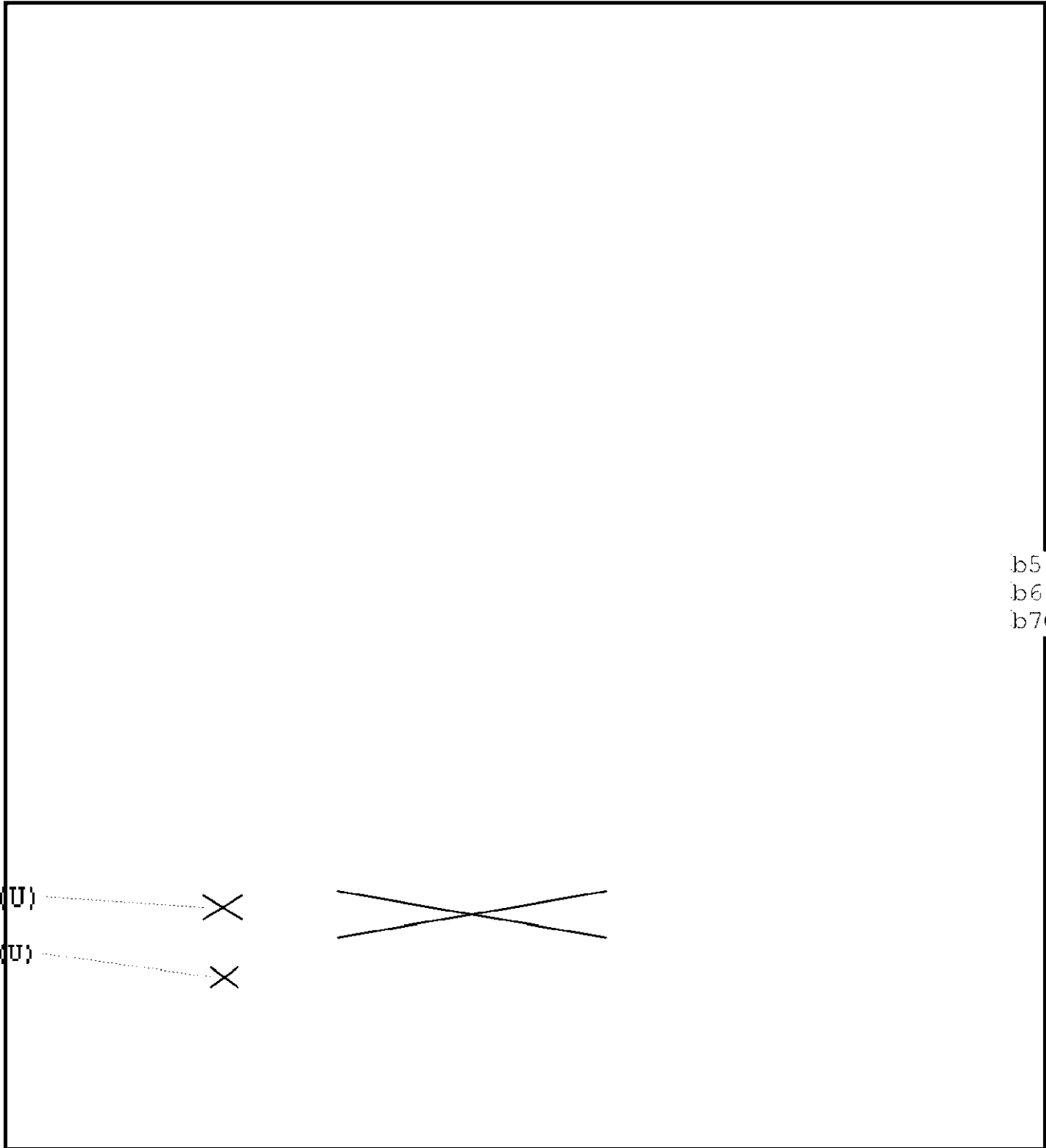


John

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FEDERAL BUREAU OF INVESTIGATION



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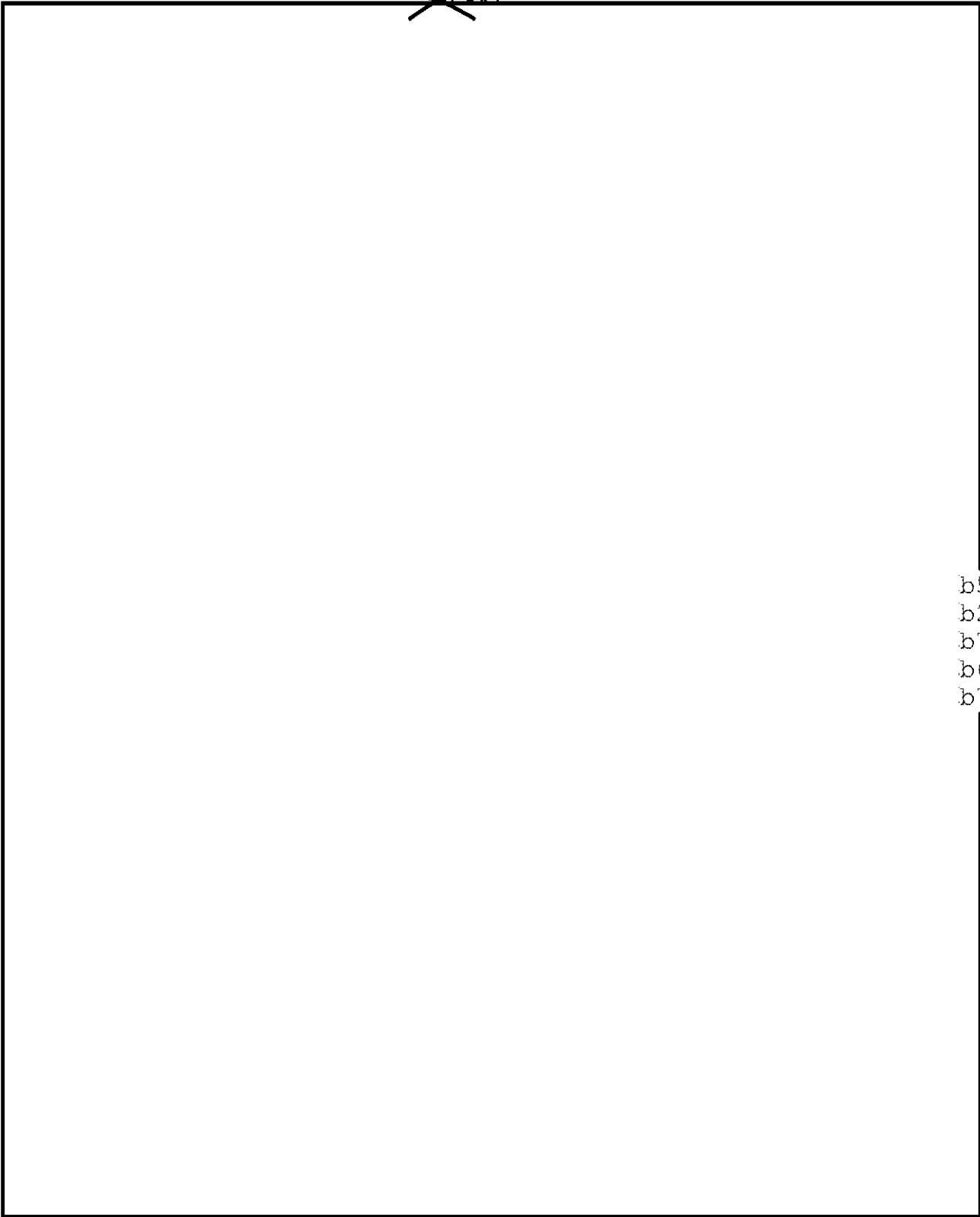
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REASON: 1.4 (c)  
DECLASSIFY ON: 09-21-2032

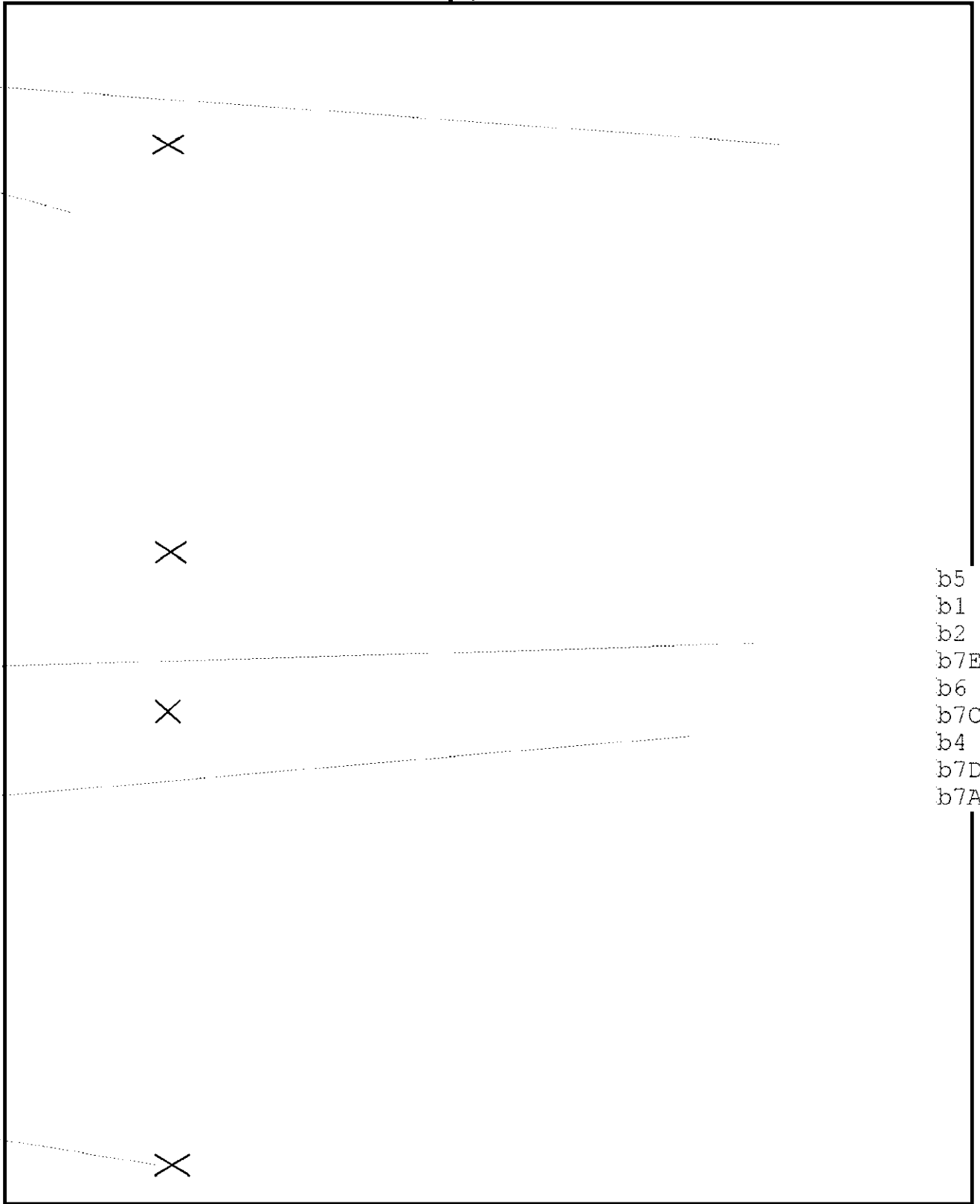
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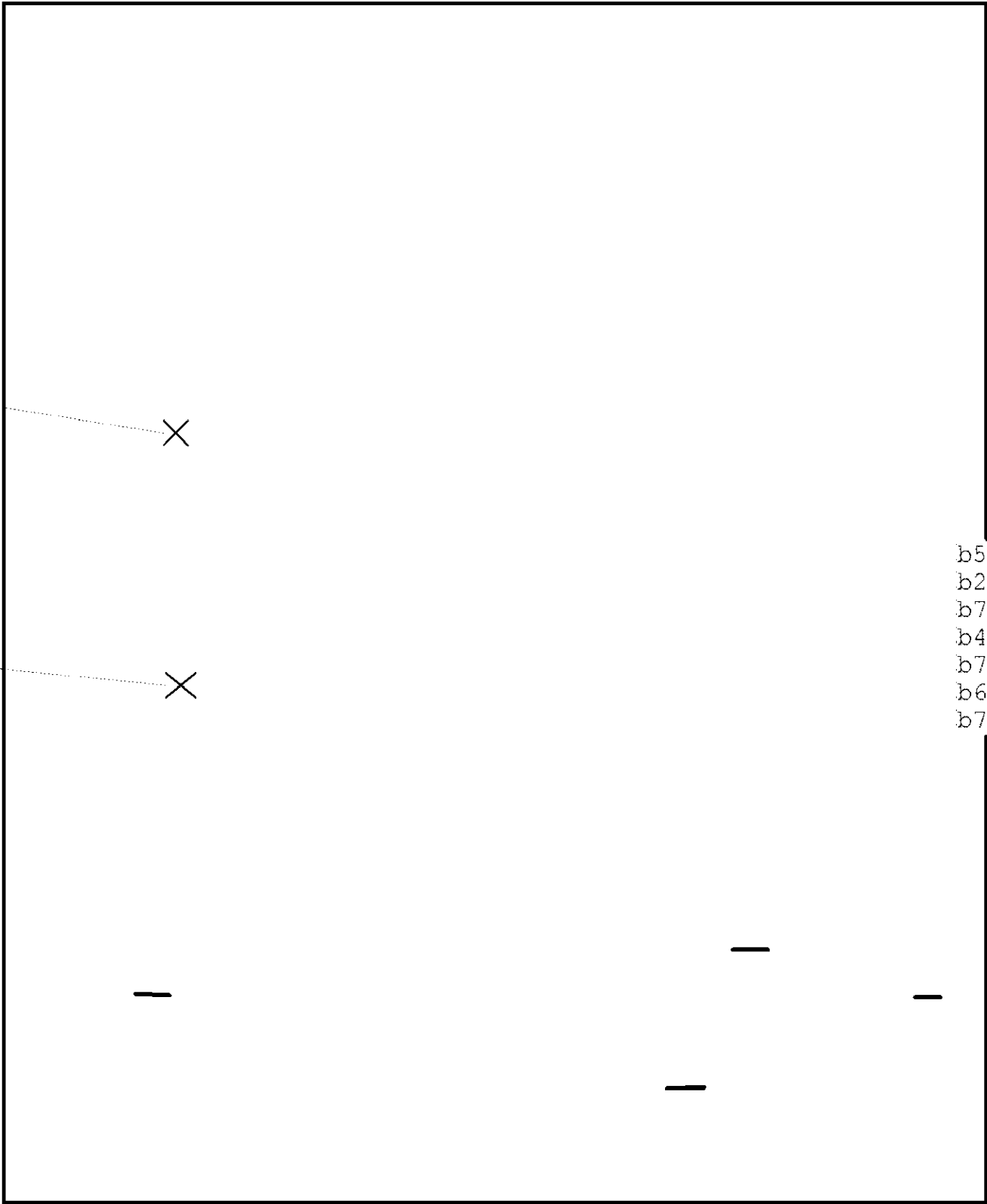
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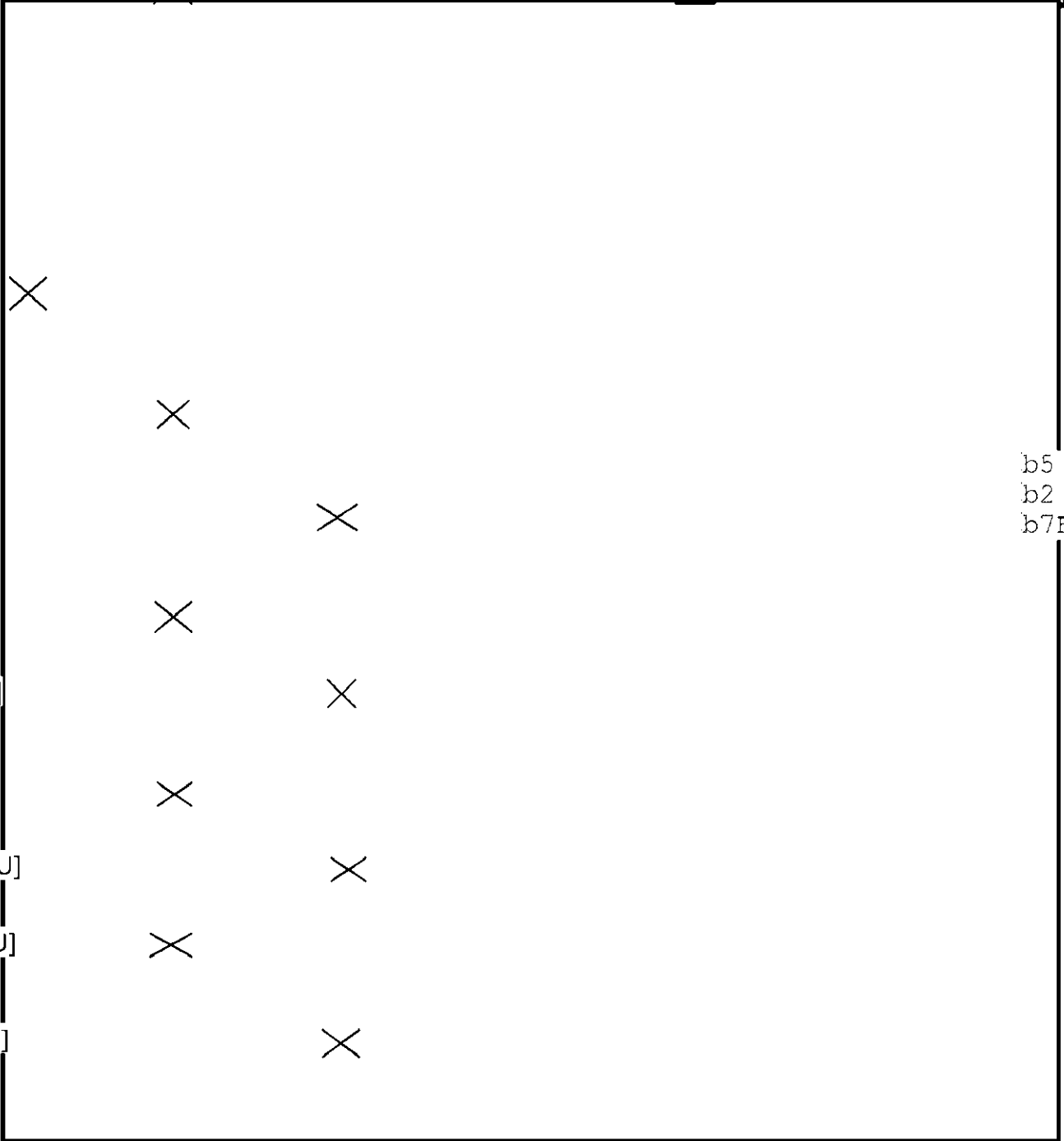
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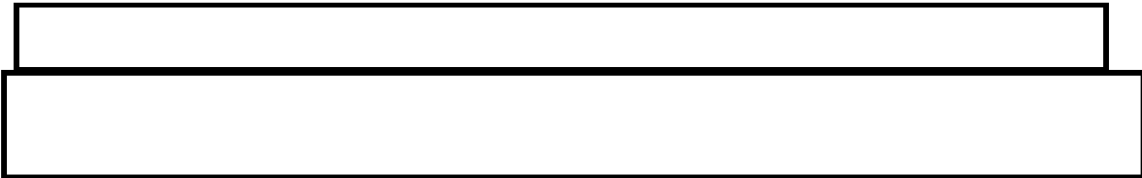
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**From:** CAPRONI, VALERIE E. (OGC) (FBI)  
**Sent:** Sunday, March 11, 2007 4:50 PM  
**To:** KAISER, KENNETH W. (INSD) (FBI); HULON, WILLIE T. (DO) (FBI);  
PISTOLE, JOHN S. (DO) (FBI); MONACO, LISA (DO) (OGA); THOMAS,  
JULIE F. (OGC) (FBI)  
**Subject:** Tasks relative to IG report

**UNCLASSIFIED**  
**NON-RECORD**



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Thoughts?



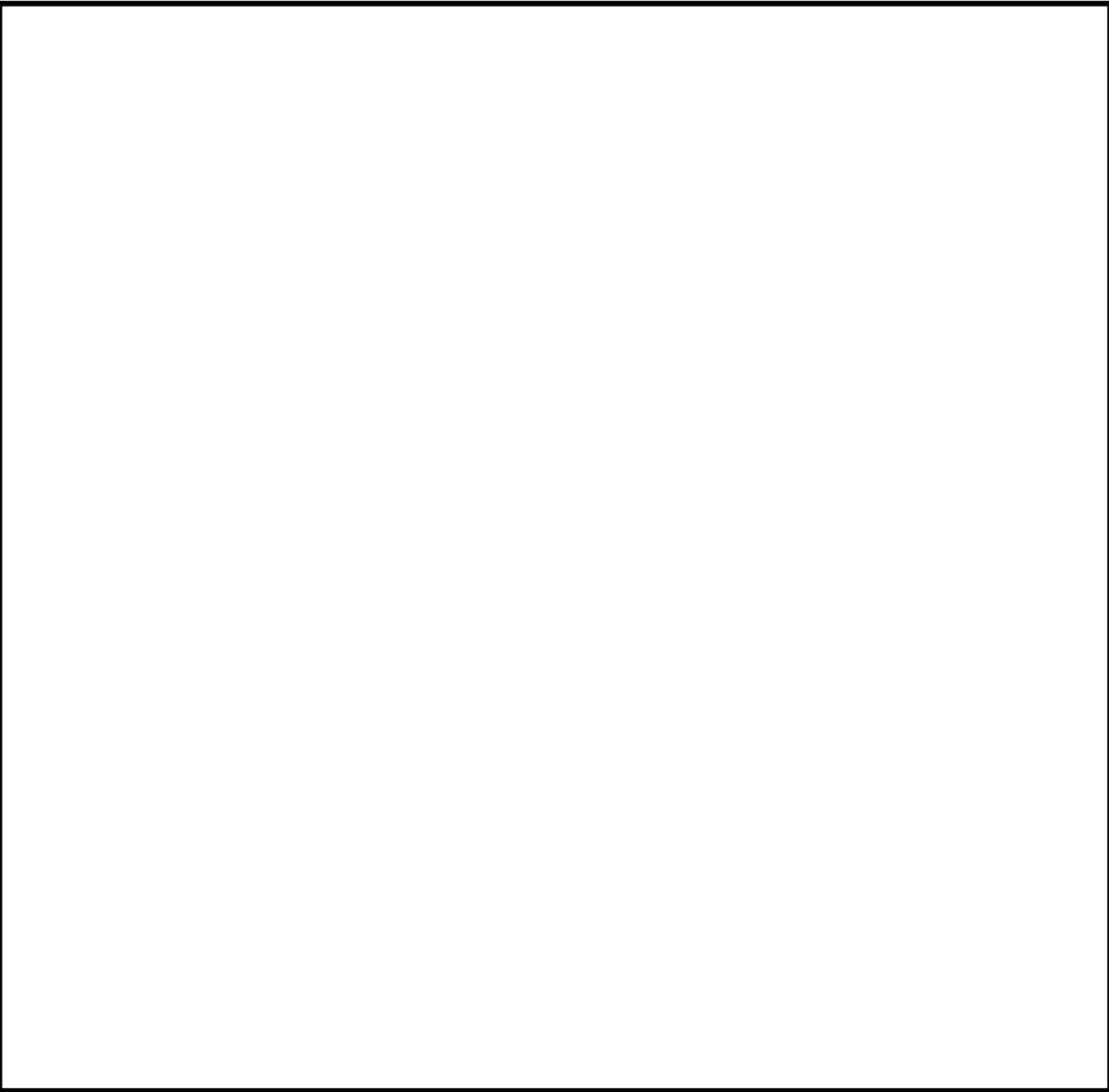
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**UNCLASSIFIED**

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DATE 09-21-2007 BY 65179 dmh/ksr/gcl

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DATE 09-21-2007 BY 65179 jml/kst/vcl

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DATE 09-21-2007 BY 65179 dmh/ksp/qcl

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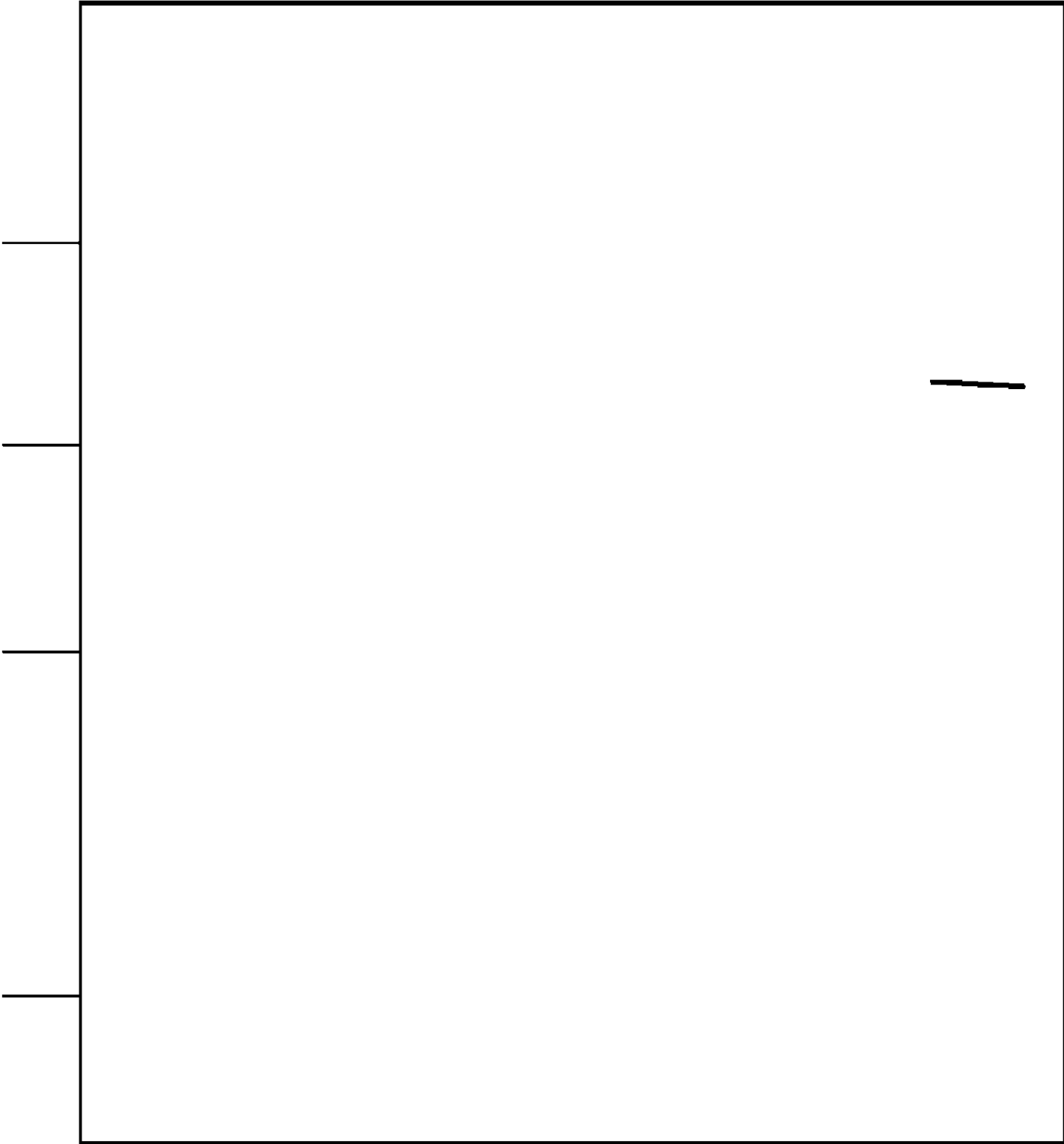
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HEREIN IS UNCLASSIFIED  
DATE 09-28-2007 BY 65179 emh/ksj/gcl

NSL VIO-20738

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HEREIN IS UNCLASSIFIED  
DATE 09-21-2007 BY 65179 dmh/kar/gcl

NSL VIO-20739

**From:** KORTAN, MICHAEL P. (OPA) (FBI)  
**Sent:** Friday, March 02, 2007 3:37 PM  
**To:** MILLER, JOHN J. (OPA) (FBI); KALISCH, ELENI P. (OCA) (FBI); BEERS,  
ELIZABETH RAE (OCA) (FBI); MONACO, LISA (DO) (OGA); CAPRONI,  
VALERIE E. (OGC) (FBI); [REDACTED] (OPA) (FBI); [REDACTED]  
[REDACTED] (OPA) (FBI); [REDACTED] (OPA) (FBI)

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**NON-RECORD**



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Please substitute for earlier versions. Tx.

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DATE 09-21-2007 BY 65179 dmh/ksr/gcl

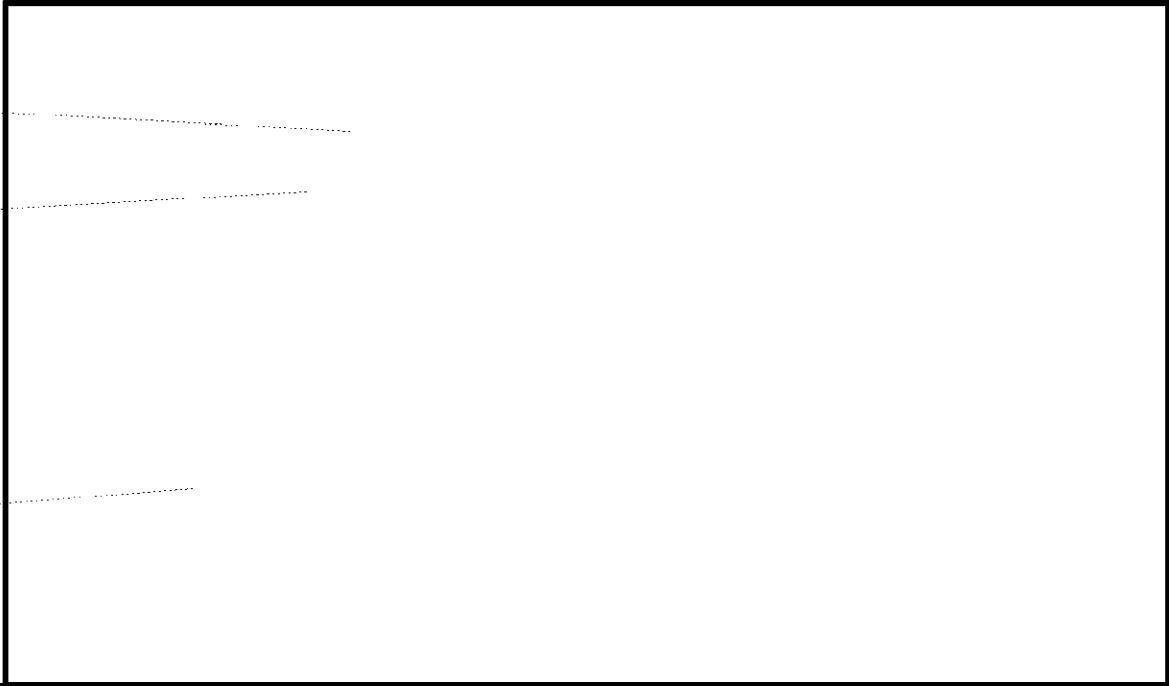
NSL VIO-20740

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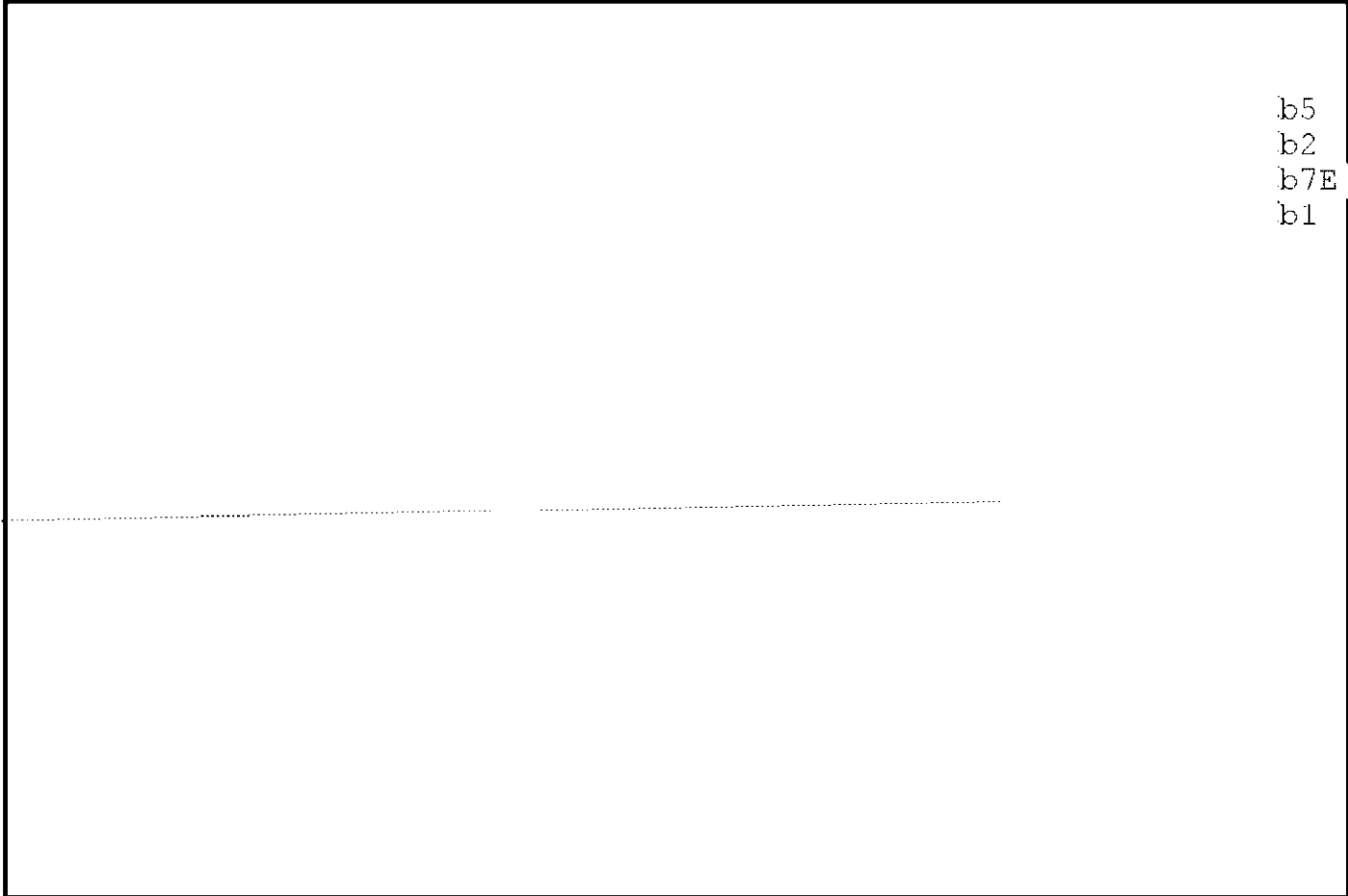
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HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

DATE: 09-21-2007  
CLASSIFIED BY 65179 dmh/ksr/gcl  
REASON: 1.4 (c)  
NSL VIC 20741 ON: 09-21-2032

SECRET



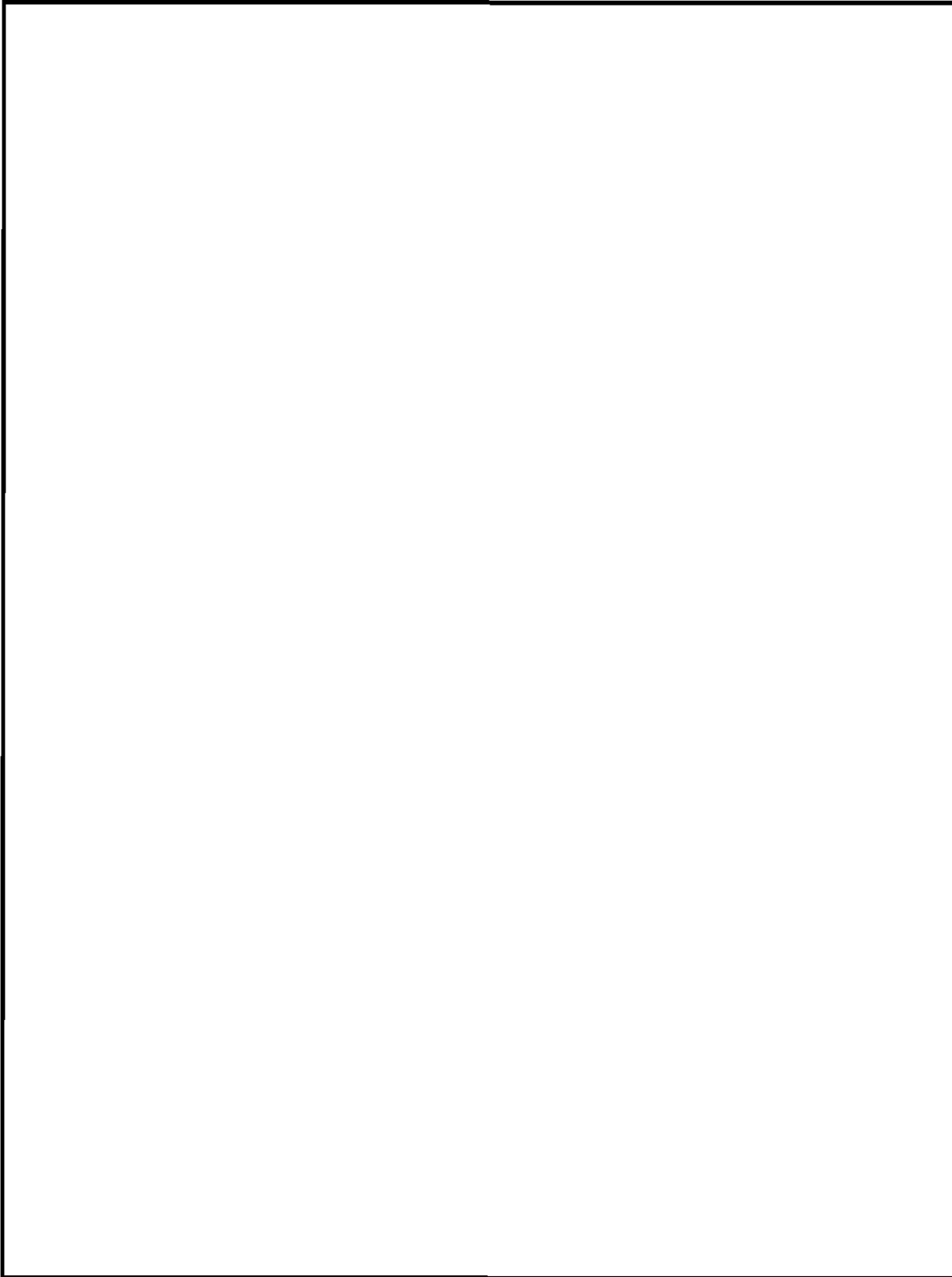


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**UNCLASSIFIED**

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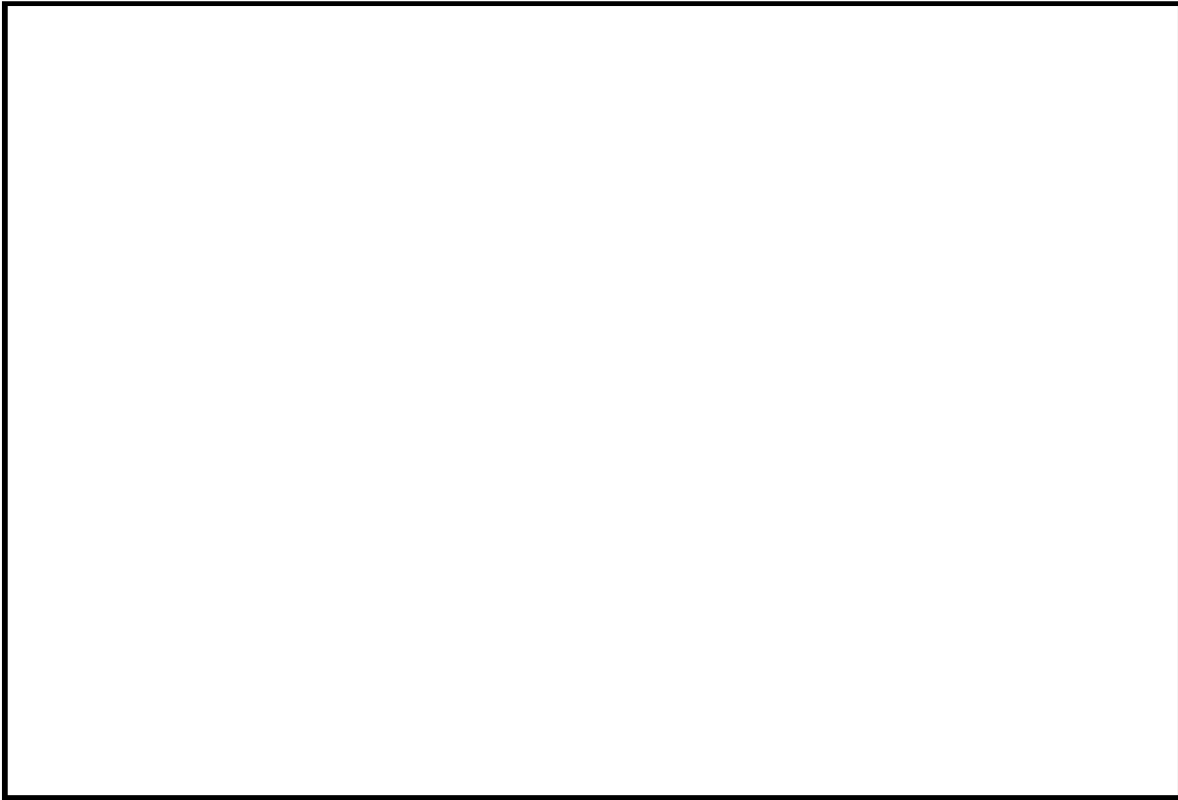
FEDERAL BUREAU OF INVESTIGATION



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HEREIN IS UNCLASSIFIED  
DATE 09-21-2007 BY 65179 dmh/kar/gcl

NSL VIO-20744



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