

June 22, 2006

BY COURIER

Mr. Stephen Friedman
Chairman
Intelligence Oversight Board
Room 50209
New Executive Office Building
725 17th Street, Northwest
Washington, D.C.

DECLASSIFIED BY 65179/DMH/KSR/RW
ON 07-30-2007

Dear Mr. Friedman:

Enclosed for your information is a self-explanatory memorandum entitled "Intelligence Oversight Board Matter 2006- (U)

b2

The memorandum sets forth details of investigative activity which the FBI has determined was conducted contrary to the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations and/or laws, Executive Orders, or Presidential Directives which govern FBI foreign counterintelligence and international terrorism investigations. This matter has also been referred to our Internal Investigations Section, Inspection Division, for a determination of whether any administrative action is warranted.
(U)

Enclosure

1 - 278-HQ-C1229736-VIO-1547

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

~~Derived From: G-3
Declassify On: 25X1~~

- Dep. Dir. _____
- Chief of Staff _____
- Off. of Gen. Counsel _____
- Asst. Dir.:
- Crim. Inv. _____
- CJIS _____
- Finance _____
- Info. Res. _____
- Insp. _____
- Lab. _____
- National Sec. _____
- Personnel _____
- Training _____
- Off. of EEOA _____
- Off. of Public & Cong. Affs. _____
- Director's Office _____

~~SECRET~~

NSL VIO-24865

MAIL ROOM

~~SECRET~~

Mr. Stephen Friedman

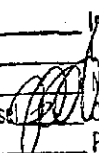
Should you or any member of your staff require additional information concerning this matter, an oral briefing will be arranged for you at your convenience. (U)

Sincerely,

Julie F. Thomas
Deputy General Counsel

- 1 - The Honorable Alberto R. Gonzales
Attorney General
U.S. Department of Justice
Room 5111

- 1 - Mr. James Baker
Counsel, Office of Intelligence Policy and Review
U.S. Department of Justice
Room 6150

APPROVED: 

Crim. Inv. _____	Inspection _____	Training _____
CJIS _____	Laboratory _____	Off. of EEO _____
Finance _____	National Sec. _____	Affairs _____
Director _____	Gen. Counsel _____	OPR _____
Deputy Director _____	Info. Res. _____	Personnel _____
		Off. of Public & Cong. Affs. _____

~~SECRET~~

NSL VIO-24866

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[redacted] FIELD OFFICE
IOB MATTER 2006-[redacted] (U)

b2
b7E

(U) ~~(S)~~ FISA WARNING STATEMENT--STATUTORY RESTRICTION

(U) ~~(S)~~ This information or document, or portions thereof, is derived from a court-authorized FISA order and such information or any information derived therefrom may only be used in a criminal or other proceeding (including but not limited to use in search/arrest warrants or affidavits or grand jury subpoenas and proceedings) with the advance authorization of the Attorney General. 50 U.S.C. §§ 1806(b), 1825(c).

(U) ~~(S)~~ By electronic communication (EC) dated May 17, 2006, the Federal Bureau of Investigation [redacted] Field Office reported that, from February 26, 2006 to April 26, 2006, a special agent (SA) from [redacted] Division [redacted] was on a sixty day TDY to the Counterterrorism Division, Electric Surveillance Operations and Sharing Unit (EOPS) Unit, when an apparent error occurred in the collection of FISA information.

b2
b7E

[redacted]

b1
b2
b7E

[redacted]

b1
b2
b7E
b7D

[redacted]

b1
b2
b7E

NSL VIO-24867

~~SECRET~~

(S)

~~SECRET~~

[Redacted]

b1
b4
b7D

[Redacted]

[Redacted]

b1
b6
b7C

[Redacted]

b1
b2
b7E
b4
b7D

[Redacted]

b1
b4
b7D

[Redacted]

b1

~~SECRET~~

(S)



b1

(U)

~~(S)~~ Based upon our analysis, in accordance with the reporting requirements of Section 2.4 of E.O. 12863, this mistake must be reported to the IOB because the surveillance resulted in the acquisition of communications not authorized to be monitored under the Foreign Intelligence Surveillance Act or Executive Order 12333.

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/21/2005

To: [Redacted]

Attn: ASAC - CI

[Redacted]
SSA [Redacted]
SA [Redacted]

Counterintelligence

Attn: CD-1

Inspection

Attn: Inspection Division

From: General Counsel

National Security Law Branch/CILU/ HQ room 7975

Contact: UC [Redacted]

Approved By: Thomas Julie F

[Redacted]

Drafted By:

[Redacted]

DATE: 07-30-2007
CLASSIFIED BY 65179/DHM/KSR
REASON: 1.4 (c)
DECLASSIFY ON: 07-30-2032

b2
b7E
b6
b7C

(U) **Case ID #:** (S) 278-WO-C1229736-VIO (Pending)
(S) [Redacted] (Pending)

b1
b2
b7E
b6
b7C
b7A

(U) **Title:** (S) SSA [Redacted]
SA [Redacted]
[Redacted] Division
IOB 2004-[Redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

(U) **Synopsis:** (S) It is the opinion of the Office of General Counsel (OGC) that the above referenced matter must be reported to the IOB and to the FBI's Inspection Division. OGC will prepare and deliver the required correspondence to the IOB. Our analysis follows.

(U) ~~(S) **Derived From :** G-3
Declassify On: 02/21/2030~~

Administrative: (U) This communication contains one or more footnotes. To read the footnotes, download and print the document in Corel WordPerfect.

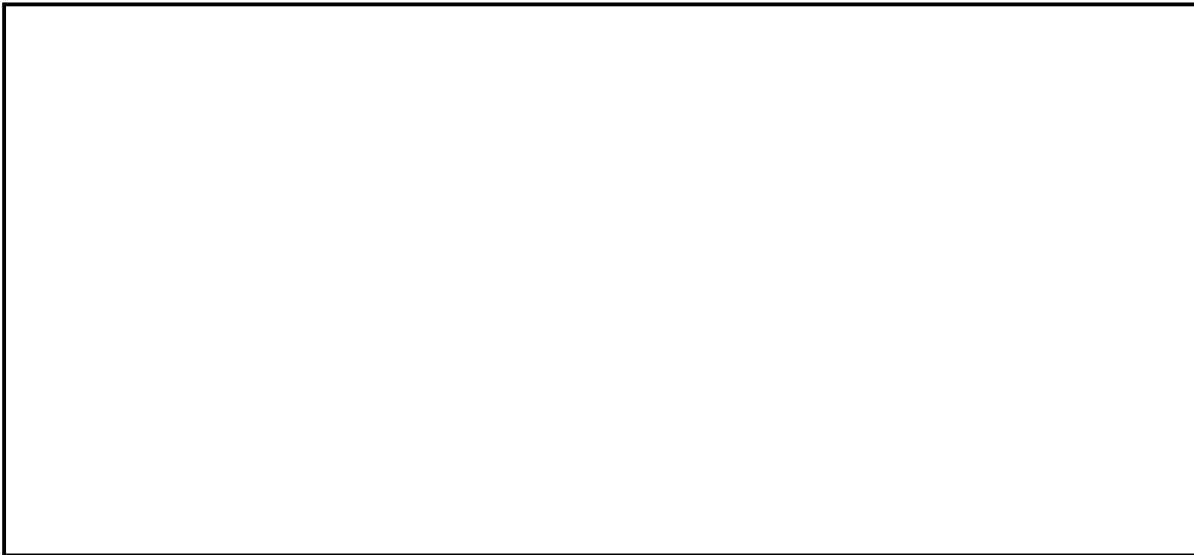
~~SECRET~~

To: [redacted] From: General Counsel
(U) Re: ~~(S)~~ 278-HQ-CI229736-VIO, 02/21/2005

b2
b7E

(U) ~~(S)~~ **Details:** By electronic communication (EC) dated May 12, 2004 (cited below),¹ the [redacted] Division [redacted] reported a potential IOB involving a National Security Letter (NSL) requested by [redacted] which, through typographical error, sought information about a cellular telephone number belonging to a person who was not the subject of an FBI national security investigation.

b2
b7D



b1
b2
b7E
b6
b7C

¹ (U) See EC from the [redacted] Division to the Inspection Division and General Counsel, dated May 12, 2004, Case ID# 278-HQ-CI229736-VIO Serial 464, titled "SSA [redacted] SA [redacted] [redacted] Division; IOB" hereinafter cited as [redacted] EC."

b2
b7E
b6
b7C

² (U) See [redacted] EC.

³ (U) See [redacted] EC. It is unclear from the information submitted whether this typographical error was contained in the case agent's request for the NSL, or if it was first made in the preparation of the NSL itself. Since it was the case agent's duty to review the NSL for accuracy prior to his sending the NSL to the [redacted] Division for service, this fact is of no consequence to this opinion.

b2
b7E

⁴ [redacted] OO:SF,"

b1
b2
b7E
b6
b7C

⁵ (U) Id.

(U) To: [redacted] From: General Counsel
Re: ~~(S)~~ 278-HQ-CI229736-VIO, 02/21/2005

b2
b7E

(S)

[redacted]

b1
b2
b7E

(U) ~~(S)~~ As required by Executive Order (E.O.) 12863 and Section 2-56 of the National Foreign Intelligence Program Manual (NFIPM), OGC was tasked to determine whether the errors described here are matters which must be reported to the IOB. They must.

(U) Section 2.4 of E.O. 12863, dated 09/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division, and the General Counsel, OGC, respectively) report to the IOB all information "concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive." This has been interpreted to include violations of the Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection ("Attorney General's Guidelines"), the implementation of which is mandated by Executive Order 12333.

(U) ~~(S)~~ As set forth in Section V.12 of the Attorney General's Guidelines, use of NSLs in conformity with 18 U.S.C. 2709 is authorized when the telephone records are sought as part of a [redacted] 18 U.S.C. 2709 authorizes the FBI to seek relevant records from a wire or electronic communication service provider when those records "are relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities."

b1
b2
b7E
b6
b7C

(S) Here, issuance of an NSL which requested records for [redacted] [redacted] was neither authorized by law, nor was it authorized by the Attorney General's Guidelines, since that telephone number is not relevant to a counterintelligence investigation.

b1
b2
b7E
b6
b7C
b7A

(S) 6 ~~(S)~~ See [redacted] EC titled [redacted]
[redacted]
7 (U) See [redacted] EC.

~~SECRET~~

To: [redacted] From: General Counsel
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/21/2005

b2
b7D

(U) Consequently, in accordance with E.O. 12863 and Section 2-56 of the NFIPM, the error must be reported to the IOB, which this Office will do.

~~SECRET~~

~~SECRET~~

To: [redacted] From: General Counsel
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/21/2005

b2
b7E

LEAD(s) :

Set Lead 1: (Info)

[redacted]

AT [redacted]

(U) Read and clear.

b2
b7E

Set Lead 2: (Discretionary)

INSPECTION

AT WASHINGTON, DC

(U) For review and action deemed appropriate.

Set Lead 3: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) Read and clear.

◆◆

~~SECRET~~

November 3, 2006

BY COURIER

Mr. Stephen Friedman
Chairman
Intelligence Oversight Board
Room 5020
New Executive Office Building
725 17th Street, N.W.
Washington, D.C. 20503

DECLASSIFIED BY 65179/DMH/KSR/RW
ON 07-30-2007

Dear Mr. Friedman:

This letter forwards for your information a self-explanatory enclosure entitled, "Intelligence Oversight Board (IOB) Matter, IOB 2006 (U)

b2

The enclosure sets forth details of investigative activity which the FBI has determined was conducted contrary to the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations and/or laws, Executive Orders, or Presidential Directives which govern FBI foreign counterintelligence and international terrorism investigations. (U)

Enclosure

1 - 278-HQ-C1229736-VIO-1852

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE (C)~~

~~Derived from: Multiple Sources
Declassify on: November 3, 2031~~

~~SECRET~~

- Dep. Dir. _____
- Chief of Staff _____
- Off. of Gen. Counsel _____
- Asst. Dir.:
- Crim. Inv. _____
- CJIS _____
- Finance _____
- Info. Res. _____
- Insp. _____
- Lab. _____
- National Sec. _____
- Personnel _____
- Training _____
- Off. of EEOA _____
- Off. of Public & Cong. Affs. _____
- Director's Office _____

MAIL ROOM

NSL VIO-24907

FBI/DOJ

FBI0000311

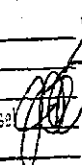
110-10-061-1743

Should you or any member of your staff require additional information concerning this matter, an oral briefing will be arranged for you at your convenience.

Sincerely,

Julie F. Thomas
Deputy General Counsel

- 1 - The Honorable Alberto R. Gonzalez
Attorney General
U.S. Department of Justice
Room 5111
- 1 - Mr. James A. Baker III
Counsel for Intelligence Policy and Review
U.S. Department of Justice
Room 6000

APPROVED:  _____

Crim. Inv. _____	Inspection _____	Training _____
CJIS _____	Laboratory _____	Off. of EEO _____
Finance _____	National Sec. _____	Affairs _____
Director _____	Gen. Counsel _____	Off. of Public & _____
Deputy Director _____	Info. Res. _____	Personnel _____
		Cong. Affs. _____

~~SECRET~~

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[redacted] FIELD OFFICE
IOB MATTER 2006 [redacted] (~~S~~) (U)

(U)

b2
b7E

~~(S)~~ The [redacted] Field Office [redacted] of the Federal Bureau of Investigation has reported an unintentional acquisition of FISA take on the wrong target, after learning through the issuance of a legitimate NSL of a change in subscriber. In this regard, unknown to the FBI at the time, the target terminated his account with [redacted] on August 26, 2005. Thus, between November 7, 2005 and May 20, 2006, [redacted] continued to erroneously monitor this account although a new, presumably U.S. person, had taken over the account.

b2
b7E
b4
b7D

(U) This matter has been reported to the FBI's Inspection Division for appropriate action.

~~Derived from : G-3
Declassify on: 25X1~~

~~SECRET~~

DECLASSIFIED BY 65179/DMHESR/RW
ON 09-19-2007

~~SECRET~~

February 24, 2006

BY COURIER

Mr. Stephen Friedman
Chairman
Intelligence Oversight Board
New Executive Office Building
Washington, D.C.

DECLASSIFIED BY 65179/DMH/KSR/RU
ON 07-30-2007

Dear Mr. Friedman:

Enclosed for your information is a self-explanatory memorandum, entitled "Intelligence Oversight Board (IOB) Matter, Indianapolis Field Office, IOB Matter 2006 [redacted] (U)

b2

This LHM sets forth details of investigative activity which the FBI has determined was conducted contrary to The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection and/or laws, Executive Orders, or Presidential Directives which govern FBI foreign counterintelligence and international terrorism investigations.
(U)

Enclosure

- 1 - Ms. Thomas
- 1 - [redacted]
- 1 - 278-HQ-C1229736-VIO-1176
- 1 - Inspection Division (IOB 2006 [redacted])
- 1 - Mr. Hulon

b6
b7C

b2

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

~~Derived from: G-3
Declassify on: X-1~~

~~SECRET~~

~~SECRET~~

- Dep. Dir. _____
- Chief of Staff _____
- Off. of Gen. Counsel _____
- Asst. Dir.:
- Crim. Inv. _____
- CJIS _____
- Finance _____
- Info. Res. _____
- Insp. _____
- Lab. _____
- National Sec. _____
- Personnel _____
- Training _____
- Off. of EEOA _____
- Off. of Public & Cong. Affs. _____
- Director's Office _____

MAIL ROOM

NSL VIO-24910

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

[REDACTED] FIELD OFFICE
IOB MATTER 2006 [REDACTED] (U)

b2
b7E

(S)

Investigation of this IOB matter has determined that on [REDACTED]

[REDACTED]

On 10/07/2003, case agent SA [REDACTED] of the [REDACTED] Resident Agency ("RA") submitted an EC to his principal relief supervisor, SA [REDACTED] requesting the conversion of the "272" money laundering criminal investigation of [REDACTED]

(S)

b1
b2
b7E
b6
b7C

However, the conversion EC was neither uploaded into ACS nor sent to the Bureau file, and it was not approved by the [REDACTED] Special Agent in Charge (SAC). Principal Relief Supervisor SA [REDACTED] who received the conversion request by Bureau Mail from the RA, was unaware that the [REDACTED] SAC needed to approve the conversion and thus did not send the EC up the chain for approval. Nevertheless, SA [REDACTED] believed he had proper authority to conduct a [REDACTED] and on 10/21/2003,

(S)

b1
b2
b7E
b6
b7C

he submitted a National Security Letter ("NSL") for toll and billing records of the subject. The NSL was served and the results transmitted to [REDACTED] by the delivering division on 01/06/2004. At this point, the case agent realized that the conversion of his investigation had not yet occurred, so he re-submitted the conversion EC on 02/02/2004. This EC, too, was never approved by the SAC. However, SA [REDACTED] continued to investigate the subject under the [REDACTED]

The error was discovered on 10/21/2005 during an inspection of [REDACTED] conducted by the Inspection Division. Still, on 10/28/2005, SA [REDACTED] submitted a request for an extension of this case, citing it as a [REDACTED] even though no [REDACTED]

(S)

[REDACTED] had ever been properly initiated. During the period that SA [REDACTED] conducted this investigation as a [REDACTED] no notification of the conversion (which he assumed to have occurred) was made to FBI Headquarters and no annual letterhead memorandum was submitted. In November 2005, following the submission of the potential IOB violation to the Office of the General Counsel, the Indianapolis Chief Division Counsel instructed SA [REDACTED] on the proper-means to

(S)

[REDACTED] The term "United States person" is used in Section 101(1) of the Foreign Intelligence Surveillance Act of 1978 (FISA) (codified at 50 U.S.C. § 1801 et seq.) and is defined as "a citizen of the United States [or] an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Naturalization Act)" See also Section I:C of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG).

b1
b6
b7C

~~SECRET~~

(S)

~~SECRET~~

convert a criminal investigation to a [redacted] investigation. The continued investigation of the subject by SA [redacted] as a [redacted] investigation beginning when he submitted a request for an NSL on 10/21/2003, violated The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG), Section II.C. ~~(S)~~ (U)

b1
b6
b7C

This matter also has been referred to the FBI's Internal Investigations Section of the Inspection Division for action deemed appropriate. (U)

~~Derived from: G-3
Declassify on: X-1~~

~~SECRET~~

January 18, 2006

BY COURIER

Mr. Stephen Friedman
Chairman
Intelligence Oversight Board
Room 5020
New Executive Office Building
725 17th Street, N.W.
Washington, D.C. 20503

DECLASSIFIED BY 65179/DMH/KSP/RW
ON 07-25-2007

Dear Mr. Friedman:

This letter forwards for your information a self-explanatory enclosure entitled, "Intelligence Oversight Board (IOB) Matter, IOB 2006 [redacted] (U)

b2

The enclosure sets forth details of investigative activity which the FBI has determined was conducted contrary to the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations and/or laws, Executive Orders, or Presidential Directives which govern FBI foreign counterintelligence and international terrorism investigations. (U)

Enclosure

- 1 - Ms. Thomas
- 1 - [redacted] (Action UC)
- 1 - [redacted]
- 1 - 278-HQ-C1229736-VIO-442

b6
b7C

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

~~Derived from: Multiple Sources
Declassify on: January 18, 2031~~

~~SECRET~~

- Dep. Dir. _____
- Chief of Staff _____
- Off. of Gen. Counsel _____
- Asst. Dir.:
- Crim. Inv. _____
- CJIS _____
- Finance _____
- Info. Res. _____
- Insp. _____
- Lab. _____
- National Sec. _____
- Personnel _____
- Training _____
- Off. of EEOA _____
- Off. of Public & Cong. Affs. _____
- Director's Office _____

MAIL ROOM

NSL VIO-24918

FBI/DOJ

Should you or any member of your staff require additional information concerning this matter, an oral briefing will be arranged for you at your convenience.

Sincerely,

Julie F. Thomas
Deputy General Counsel

- 1 - The Honorable Alberto R. Gonzalez
Attorney General
U.S. Department of Justice
Room 5111
- 1 - Mr. James A. Baker III
Counsel for Intelligence Policy and Review
U.S. Department of Justice
Room 6000

APPROVED: Grim. Inv. _____ Inspection _____ Training _____
 CJIS _____ Laboratory _____ Off. of EEO _____
 Finance _____ National Sec. _____ Affairs _____
Director _____ Gen. Couns. *JFT* OPR _____ Off. of Public & _____
Deputy Director _____ Info. Res. _____ Personnel _____ Cong. Affs. _____

~~SECRET~~

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

[redacted] FIELD OFFICE
IOB MATTER 2006-[redacted] (~~S~~) (U)

b2
b7E

(S) The [redacted] Field Office ([redacted]) of the Federal Bureau of Investigation ("FBI") has reported an error

(S)

[redacted]

b1
b2
b7E
b6
b7C

[redacted] was incorrect; the correct number [redacted] Subscriber information and toll records were collected for the incorrect number pursuant to the NSL. When [redacted] realized its error, it secured the records produced for the incorrect number in the safe of [redacted] Chief Division Counsel. [redacted] will provide these records to the Office of Intelligence Policy and Review ("OIPR"), Department of Justice.

(U) This matter has been reported to the FBI's Office of Professional Responsibility for appropriate action.

~~Derived from : G-3
Declassify on: 25X1~~

~~SECRET~~

DATE: 07-30-2007
CLASSIFIED BY: 65179/DMM/KSF/EW
REASON: 1.4 (c)
DECLASSIFY ON: 07-30-2032

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

APPROVED:	Crim. Inv. _____	Inspection _____	Training _____
	CJIS _____	Laboratory _____	Off. of EEO _____
	Finance _____	Ident. Sec. _____	Affairs _____
	Director _____	Gen. Counsel _____	Off. of Public & _____
Deputy Director _____	Info. Res. _____	Personnel _____	Cong. Affs. _____

~~SECRET~~

