

[Redacted] (OGC) (INT)

From: THOMAS, JULIE F. (OGC) (FBI)

Sent: Monday, May 16, 2005 5:12 PM

To: [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI)

Subject: RE: [Redacted] Proposal to amend ECPA NSL to get [Redacted]

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**SENSITIVE BUT UNCLASSIFIED
NON-RECORD**

[Redacted]

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[Redacted] Julie

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

From: [Redacted] (OGC) (FBI)

Sent: Monday, May 16, 2005 1:11 PM

To: [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI)

Subject: RE: [Redacted] Proposal to amend ECPA NSL to get [Redacted]

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**SENSITIVE BUT UNCLASSIFIED
NON-RECORD**

[Large Redacted Area]

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

From: [redacted] (OGC) (FBI)
Sent: Monday, May 16, 2005 12:03 PM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: [redacted] Proposal to amend ECPA NSL to ge [redacted]

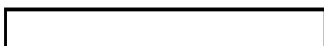
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**PRIVILEGED DELIBERATIVE DOCUMENT - NOT FOR DISCLOSURE OUTSIDE THE FBI
WITHOUT PRIOR OGC APPROVAL**



**Associate General Counsel - Unit Chief
Science & Technology Law Unit
Engineering Research Facility
Bldg 27958A, Room A-207
Quantico, VA 22135**



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NSL VIO-22372

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

From: [redacted] (OGC) (FBI)
Sent: Monday, May 16, 2005 10:23 AM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); THOMAS, JULIE E. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: [redacted] proposal to amend ECPA NSL to get type [redacted]

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**SENSITIVE BUT UNCLASSIFIED
NON-RECORD**

Thanks [redacted]

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[Large redacted block]

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thanks. [redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Monday, May 16, 2005 9:28 AM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); THOMAS, JULIE E. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: [redacted] Proposal to amend ECPA NSL to get type [redacted]
Importance: High

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I note that the NSL Letter's criminal law administrative subpoena counterpart in ECPA, Section 2703(c)(2), is broader than 2709 in that the criminal version was expanded to include methods of payment. Since both provisions were amended by the USA Patriot Act (USPA) (Section 2703 by USPA Section 210, and Section 2709(b) BY USPA 505), a traditional statutory interpretation of parallel provisions would support the inference that Congress intended the limitation on 2709 to be purposeful [redacted]

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NSL VIO-22373

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

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STLU will draft such a statute to have it standing on the shelf.

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[Redacted]

[Redacted]

PRIVILEGED DELIBERATIVE DOCUMENT - NOT FOR DISCLOSURE OUTSIDE THE FBI WITHOUT PRIOR OGC APPROVAL

[Redacted]

Associate General Counsel - Unit Chief
Science & Technology Law Unit
Engineering Research Facility
Bldg 27958A, Room A-207
Quantico, VA 22135

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[Redacted]

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

From: [Redacted] (OGC) (FBI)
Sent: Thursday, May 05, 2005 5:24 PM
To: [Redacted] (OGC) (FBI)
Cc: [Redacted] (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI); [Redacted] (OGC) (FBI)
Subject: FW: [Redacted] Proposal to amend ECPA NSL to get [Redacted]

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NSL VIO-22374

**SENSITIVE BUT UNCLASSIFIED
NON-RECORD**

[Redacted]

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thanks [Redacted]

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

From: [Redacted] (OGC) (FBI)

Sent: Wednesday, May 04, 2005 5:02 PM

To: [Redacted] (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI) [Redacted]

[Redacted] (OGC) (FBI)

Subject: [Redacted] Proposal to amend ECPA NSL to get [Redacted]

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**SENSITIVE BUT UNCLASSIFIED
NON-RECORD**

I have to respond to an EC from [Redacted] about issuing an amended form ECPA NSL in certain circumstances. [Redacted]

[Redacted]

[Redacted]

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"Under the authority of Executive Order 12333, dated December 4, 1981, and pursuant to Title 18, United States Code (U.S.C.), Section 2709 (Section 201 of the Electronic Communications and Privacy Act of 1986, as amended), you are hereby directed to provide to the Federal Bureau of Investigation (FBI) the names, addresses, lengths of service, and electronic communication transactional records [Redacted]

[Redacted]

[Redacted] of the person or entity to whom the following telephone number was registered on [insert date]."

[Redacted]

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[Redacted]

[Redacted] In fact, apart from the opening paragraph of 2709, wherein it states that "wire or electronic communication service provider shall comply with a request for subscriber information and toll billing records, or electronic communication transactional records," neither of the paragraphs under (b) "required certification" even deal with transactional records. The statute clearly is inaptfully drafted [Redacted]

[Redacted]

[Redacted]

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Please give me your thoughts. [Redacted]

SENSITIVE BUT UNCLASSIFIED

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SENSITIVE BUT UNCLASSIFIED

NSL VIO-22376

6/21/2007

[redacted] (OGC) (INT)

From: THOMAS, JULIE F. (OGC) (FBI)
Sent: Thursday, May 05, 2005 1:45 PM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: RE: [redacted] Proposal to amend ECPA NSL to get [redacted]

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**SENSITIVE BUT UNCLASSIFIED
NON-RECORD**

[redacted]
[redacted] Please coordinate this with UC [redacted] unit.

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Julie

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DATE 07-15-2007 BY 65179 DMH/TAN/KSR/NE

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

From: [redacted] (OGC) (FBI)
Sent: Thursday, May 05, 2005 1:10 PM
To: [redacted] (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: RE: [redacted] Proposal to amend ECPA NSL to get [redacted]

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**SENSITIVE BUT UNCLASSIFIED
NON-RECORD**

[redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Thursday, May 05, 2005 8:38 AM
To: THOMAS, JULIE F. (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: [redacted] Proposal to amend ECPA NSL to get [redacted]

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**SENSITIVE BUT UNCLASSIFIED
NON-RECORD**

I don't really see why [redacted]
[redacted]
[redacted] There is
no doubt [redacted] is within ECPA -
[redacted]
[redacted]
[redacted]

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

From: THOMAS, JULIE F. (OGC) (FBI)
Sent: Wednesday, May 04, 2005 6:25 PM

NSL VIO-22377

6/21/2007

To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: [redacted] Proposal to amend ECPA NSL to get [redacted]

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Isn't this something that UC [redacted] needs to weigh in on? Julie

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

From: [redacted] (OGC) (FBI)
Sent: Wednesday, May 04, 2005 5:02 PM
To: [redacted] (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: [redacted] proposal to amend ECPA NSL to get [redacted]

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

I have to respond to an EC from [redacted] about issuing an amended form ECPA NSL in certain circumstances. [redacted]

[redacted]

[redacted]

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"Under the authority of Executive Order 12333, dated December 4, 1981, and pursuant to Title 18, United States Code (U.S.C.), Section 2709 (Section 201 of the Electronic Communications and Privacy Act of 1986, as amended), you are hereby directed to provide to the Federal Bureau of Investigation (FBI) the names, addresses, lengths of service, and electronic communication transactional records [redacted]

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[redacted] of the person or entity to whom the following telephone number was registered on [insert date]."

[redacted]

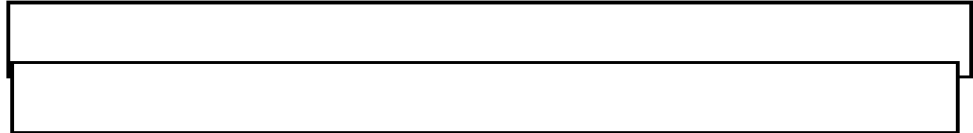
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[redacted]

[redacted] In fact, apart from the opening paragraph of 2709, wherein it states that "wire or electronic communication service provider shall comply with a request for subscriber information and toll billing records, or electronic communication transactional records," neither of the paragraphs under (b) "required certification" even deal with transactional records. The statute clearly is inartfully drafted [redacted]

[redacted]

NSL VIO-22378



Please give me your thoughts.

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SENSITIVE BUT UNCLASSIFIED

[redacted] (OGC) (INT)

From: THOMAS, JULIE F. (OGC) (FBI)

Sent: Wednesday, May 04, 2005 6:25 PM

To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)

Subject: RE: [redacted] Proposal to amend ECPA NSL to get [redacted]

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NON-RECORD**

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DATE 07-16-2007 BY 65179 DMH/TAM/KSR

Isn't this something that UC [redacted] needs to weigh in on? Julie

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

From: [redacted] (OGC) (FBI)

Sent: Wednesday, May 04, 2005 5:02 PM

To: [redacted] (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI); [redacted] (OGC) (FBI)

Subject: [redacted] Proposal to amend ECPA NSL to get [redacted]

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**SENSITIVE BUT UNCLASSIFIED
NON-RECORD**

I have to respond to an EC from [redacted] about issuing an amended form ECPA NSL in certain circumstances

[redacted]
[redacted]

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"Under the authority of Executive Order 12333, dated December 4, 1981, and pursuant to Title 18, United States Code (U.S.C.), Section 2709 (Section 201 of the Electronic Communications and Privacy Act of 1986, as amended), you are hereby directed to provide to the Federal Bureau of Investigation (FBI) the names, addresses, lengths of service, and electronic communication transactional records [redacted]

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[redacted] of the person or entity to whom the following telephone number was registered on [insert date]."

[redacted]

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[redacted] In fact,

apart from the opening paragraph of 2709, wherein it states that "wire or electronic communication service provider shall comply with a request for subscriber information and toll billing records, or electronic communication transactional records," neither of the paragraphs under (b) "required certification" even deal with transactional records. The statute clearly is inartfully drafted. [redacted]

[redacted]
[redacted]

NSL VIO-22380

6/21/2007

[Redacted]

[Redacted]

Please give me your thoughts.

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SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

[redacted] (OGC) (INT)

From: [redacted] (JN) (FBI)
Sent: Monday, March 27, 2006 5:20 PM
To: [redacted] (OGC) (FBI)
Subject: RE: NSL toll billing records

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

The email responses I received were negative for any problems. [redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Friday, March 24, 2006 7:27 AM
To: FBI, ALL CDCs
Cc: [redacted] (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI)
Subject: NSL toll billing records

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NON-RECORD

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Thanks [redacted]

SENSITIVE BUT UNCLASSIFIED

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SENSITIVE BUT UNCLASSIFIED

[Redacted] (OGC) (INT)

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From: [Redacted] (FBI)
Sent: Wednesday, November 08, 2006 12:54 PM
To: [Redacted] (OGC) (FBI)
Subject: RE: [Redacted]

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[Redacted]

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

From: [Redacted] (OGC) (FBI)
Sent: Wednesday, November 08, 2006 12:43 PM
To: [Redacted] (FBI)
Subject: RE: [Redacted]

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[Redacted]

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

From: [Redacted] (FBI)
Sent: Wednesday, November 08, 2006 12:38 PM
To: [Redacted] (OGC) (FBI); CAPRONI, VALERIE E. (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI); [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI)
Cc: [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI)
Subject: RE: [Redacted]

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

PS -

[Redacted]

[Redacted]

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

From: [Redacted] (OGC) (FBI)

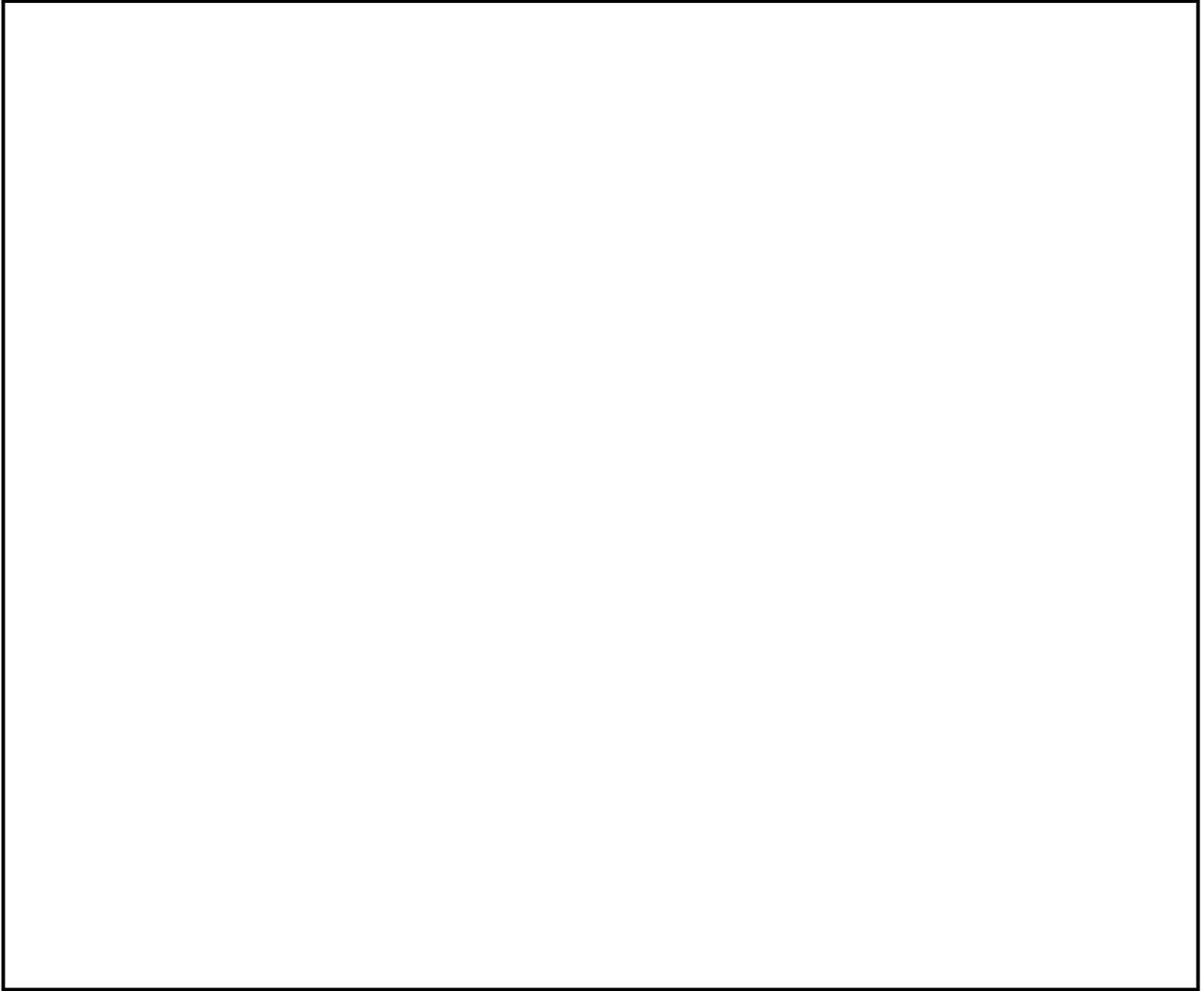
NSL VIO-22383

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Sent: Wednesday, November 08, 2006 12:12 PM
To: CAPRONI, VALERIE E. (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (FBI); [redacted] (OGC) (FBI)
Subject: [redacted]

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Can I find out who is interested in attending and when you are available?

SENSITIVE BUT UNCLASSIFIED

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SENSITIVE BUT UNCLASSIFIED

[Redacted]

(OGC) (INT)

From: [Redacted] (FBI)
Sent: Wednesday, April 19, 2006 1:34 PM
To: [Redacted] (OGC) (FBI)
Subject: RE: NSL IOBs - rewording the attachmen [Redacted]

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Not often that I am aware.

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

From: [Redacted] (OGC) (FBI)
Sent: Wednesday, April 19, 2006 12:28 PM
To: [Redacted] (FBI)
Subject: RE: NSL IOBs - rewording the attachment [Redacted]

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NON-RECORD

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DATE 07-16-2007 BY 65179 DMH/TAM/KSR/JE

[Redacted]

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

From: [Redacted] (FBI)
Sent: Wednesday, April 19, 2006 12:18 PM
To: [Redacted] (OGC) (FBI)
Cc: [Redacted] (OGC) (FBI)
Subject: RE: NSL IOBs - rewording the attachment [Redacted]

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[Redacted]

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

From: [Redacted] (OGC) (FBI)
Sent: Wednesday, April 19, 2006 12:12 PM
To: [Redacted] (FBI)
Cc: [Redacted] (OGC) (FBI)
Subject: RE: NSL IOBs - rewording the attachment [Redacted]

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[Redacted]

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[Redacted]

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[Redacted]

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

From: [Redacted] (FBI)
Sent: Wednesday, April 19, 2006 11:55 AM
To: [Redacted] (OGC) (FBI); FBI_ALL CDCs
Cc: [Redacted] (OGC) (FBI)
Subject: RE: NSL IOBs - rewording the attachment [Redacted]

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[Redacted]

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

From: [Redacted] (OGC) (FBI)
Sent: Wednesday, April 19, 2006 11:38 AM
To: FBI_ALL CDCs
Cc: [Redacted] (OGC) (FBI)
Subject: FW: NSL IOBs - rewording the attachment [Redacted]

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[Redacted]

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

From: [Redacted] (OGC) (FBI)
Sent: Monday, April 17, 2006 2:38 PM
To: THOMAS, JULIE F. (OGC) (FBI); [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI)
Subject: NSL IOBs - rewording the attachment [Redacted]

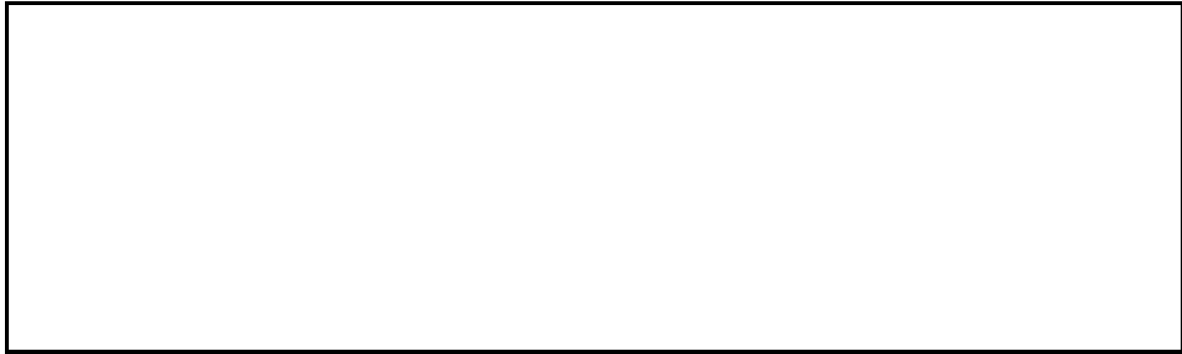
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NON-RECORD

[Redacted]

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SENSITIVE BUT UNCLASSIFIED

[Redacted] (OGC) (INT)

From: [Redacted] (FBI)
Sent: Wednesday, April 19, 2006 12:18 PM
To: [Redacted] (OGC) (FBI)
Cc: [Redacted] (OGC) (FBI)
Subject: RE: NSL IOBs - rewording the attachment [Redacted]

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[Redacted]

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

From: [Redacted] (OGC) (FBI)
Sent: Wednesday, April 19, 2006 12:12 PM
To: [Redacted] (FBI)
Cc: MOYER, SALLY ANNE (OGC) (FBI)
Subject: RE: NSL IOBs - rewording the attachment [Redacted]

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[Redacted]

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

From: [Redacted] (FBI)
Sent: Wednesday, April 19, 2006 11:55 AM
To: [Redacted] (OGC) (FBI); FBI_ALL CDCs
Cc: [Redacted] (OGC) (FBI)
Subject: RE: NSL IOBs - rewording the attachment [Redacted]

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[Redacted]

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

From: [Redacted] (OGC) (FBI)
Sent: Wednesday, April 19, 2006 11:38 AM

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DATE 07-16-2007 BY 65179 DMH/TAM/KSR/JB

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To: FBI ALL CDCs
Cc: [redacted] (OGC) (FBI)
Subject: FW: NSL IOBs - rewording the attachment [redacted]

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Monday, April 17, 2006 2:38 PM
To: THOMAS, JULIE F. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: NSL IOBs - rewording the attachment [redacted]

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted]

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[redacted]

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SENSITIVE BUT UNCLASSIFIED

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SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

[redacted] (OGC) (INT)

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From: [redacted] (FBI)
Sent: Wednesday, April 19, 2006 11:55 AM
To: [redacted] (OGC) (FBI); FBI_ALL CDCs
Cc: [redacted] (OGC) (FBI)
Subject: RE: NSL IOBs - rewording the attachment [redacted]

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

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[redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Wednesday, April 19, 2006 11:38 AM
To: FBI_ALL CDCs
Cc: [redacted] (OGC) (FBI)
Subject: FW: NSL IOBs - rewording the attachment [redacted]

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted]

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[redacted]

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DATE 07-16-2007 BY 65179 DMH/TAM/KSR/JE

-----Original Message-----
From: [redacted] (OGC) (FBI)
Sent: Monday, April 17, 2006 2:38 PM
To: THOMAS, JULIE F. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC)(FBI)
Subject: NSL IOBs - rewording the attachment [redacted]

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted]

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SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

[redacted] (OGC) (INT)

From: [redacted] (FBI)
Sent: Monday, January 09, 2006 10:02 AM
To: [redacted] OGC) (FBI)
Cc: THOMAS, JULIE F. (OGC) (FBI)
Subject: FW: [redacted]

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

FYI

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

From: [redacted] (CTD) (FBI)
Sent: Friday, January 06, 2006 3:38 PM
To: [redacted]
Cc: [redacted]
Subject: FW: [redacted]

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Greetings,

[redacted]

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If you have any questions, please don't hesitate to call.

SSA [redacted]
CTD
Communications Analysis Unit (CAU)
LX-1 1S-425
Office [redacted]
Pager [redacted]
"You don't know the power of the Dark Side..."

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

From: [redacted] (CTD) (CON)
Sent: Thursday, January 05, 2006 5:36 PM
To: [redacted]
Subject: [redacted]

b6
b7C
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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

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DATE 07-16-2007 BY 65179 DMH/TAM/KSR/JE

Hello there CAU

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SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

[redacted] (OGC) (INT)

From: [redacted] (OGC) (FBI)
Sent: Monday, June 27, 2005 5:47 PM
To: [redacted] (OGC) (FBI)
Subject: FW: [redacted]

b2
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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted]

b5
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thanks [redacted]
-----Original Message-----

From: [redacted] (OGC) (FBI)
Sent: Monday, June 27, 2005 2:17 PM
To: [redacted] (FBI); [redacted] (FBI)
Subject: [redacted]

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted]

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ALL INFORMATION CONTAINED
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DATE 07-16-2007 BY 65179 DMH/TAM/KSR/JB

NSL VIO-22394

[redacted] (OGC) (INT)

From: [redacted] (OGC) (FBI)

Sent: Monday, May 09, 2005 8:29 AM

To: [redacted] (OGC) (FBI)

Subject: RE: [redacted] Proposal to amend ECPA NSL to get [redacted]

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**SENSITIVE BUT UNCLASSIFIED
NON-RECORD**

[redacted]

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

From: [redacted] (OGC) (FBI)

Sent: Friday, May 06, 2005 9:07 AM

To: [redacted] (OGC) (FBI)

Subject: RE: [redacted] Proposal to amend ECPA NSL to get [redacted]

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**SENSITIVE BUT UNCLASSIFIED
NON-RECORD**

I agree with your analysis, but what is the game plan now?

[redacted]

Unit Chief
National Security Law Policy and Training Unit
FBI HO Room 7975

b6
b7C
b2

Unclassified Fax: (202) 324-[redacted]

Secure Fax: [redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 07-16-2007 BY 65179 DMH/TAM/KSR/JB

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

From: [redacted] (OGC) (FBI)

Sent: Wednesday, May 04, 2005 5:02 PM

To: [redacted] (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI); [redacted] (OGC) (FBI)

Subject: [redacted] Proposal to amend ECPA NSL to get [redacted]

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**SENSITIVE BUT UNCLASSIFIED
NON-RECORD**

I have to respond to an EC from [redacted] about issuing an amended form ECPA NSL in certain circumstances. Before I draft an EC, I wanted to make sure everyone is on board with this. It is not a problem in my mind, and I want to make sure you concur before I start on this.

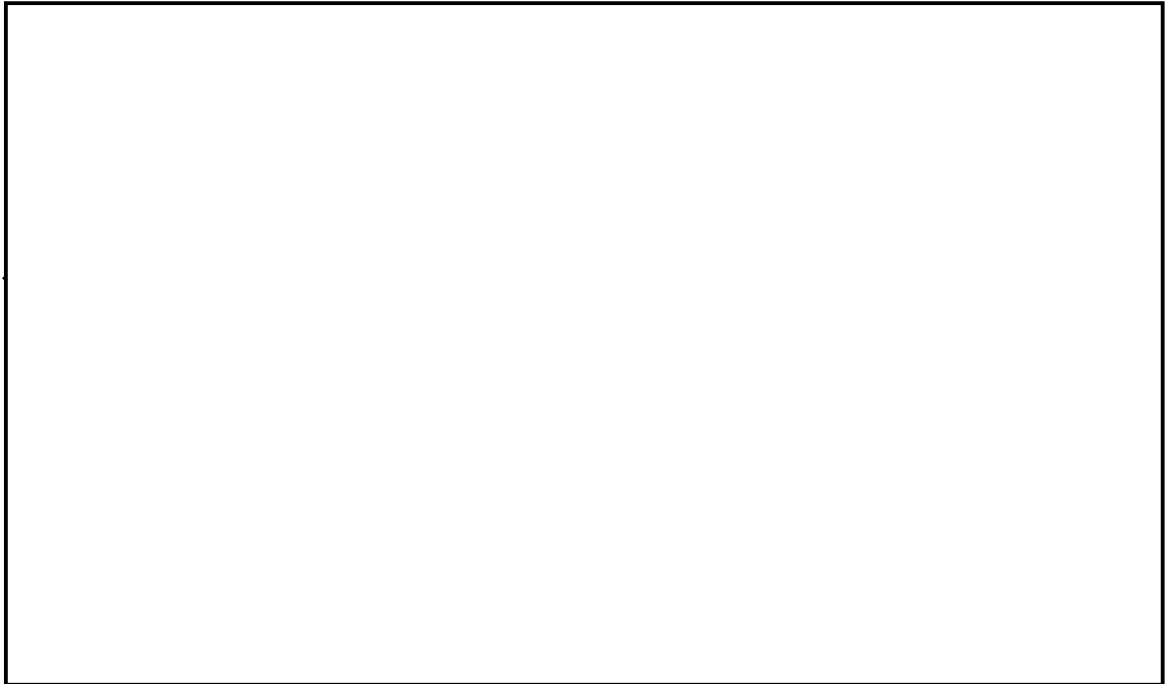
b2
b7E

[redacted]

"Under the authority of Executive Order 12333, dated December 4, 1981, and pursuant to Title 18,

NSL VIO-22395

United States Code (U.S.C.), Section 2709 (Section 201 of the Electronic Communications and Privacy Act of 1986, as amended), you are hereby directed to provide to the Federal Bureau of Investigation (FBI) the names, addresses, lengths of service, and electronic communication transactional records, to include type of service being furnished, (e.g. Voice Over Internet Protocol line, Digital Subscriber Line, Cable Television, internet access, regular telephone line, etc.), of the person or entity to whom the following telephone number was registered on [insert date]."



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SENSITIVE BUT UNCLASSIFIED

NSL VIO-22396

6/21/2007

~~SECRET~~

[redacted] (OGC) (INT)

From: [redacted] (OGC) (FBI)
Sent: Tuesday, December 14, 2004 12:35 PM
To: [redacted] (OGC) (FBI)

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b7C

Subject: RE: ECPA NSLs

DATE: 07-16-2007
CLASSIFIED BY 65179 DMH/TAM/KSE/JB
REASON: 1.4 (c)
DECLASSIFY ON: 07-16-2032

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WHERE SHOWN OTHERWISE

**SENSITIVE BUT UNCLASSIFIED
NON-RECORD**

(S)

[Large redacted block]

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

From: [redacted] (OGC) (FBI)
Sent: Tuesday, November 23, 2004 8:02 AM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (OGA)
Cc: BOWMAN, MARION E. (OGC) (FBI)
Subject: RE: ECPA NSLs

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**SENSITIVE BUT UNCLASSIFIED
NON-RECORD**

[Redacted block]

b5

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

From: [redacted] (OGC) (FBI)
Sent: Monday, November 22, 2004 10:37 AM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (OGA)
Subject: FW: ECPA NSLs

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**SENSITIVE BUT UNCLASSIFIED
NON-RECORD**

[redacted] per my discussions with [redacted] two weeks ago, they explained to me the range of information provided by [redacted]

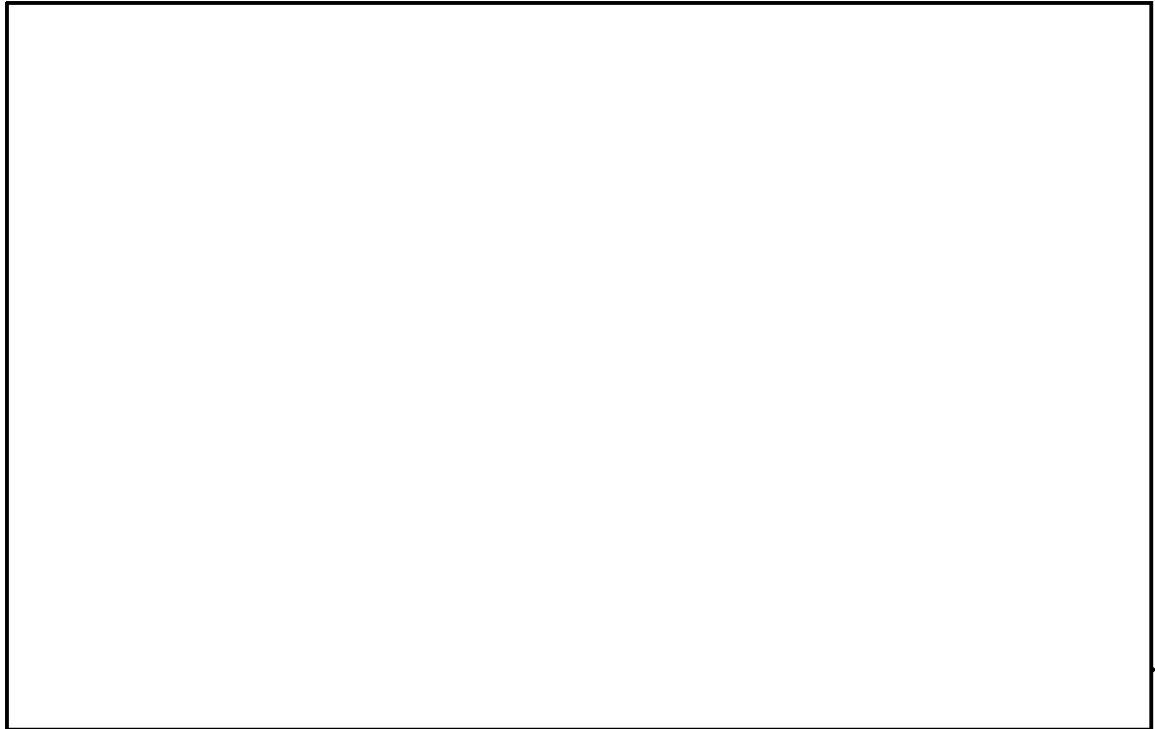
[Redacted block]

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NSL VIO-22397

~~SECRET~~

~~SECRET~~



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your thoughts are welcome.

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

From: [redacted] (CTD) (CON)
Sent: Monday, November 22, 2004 9:31 AM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (CTD) (FBI)
Subject: RE: ECPA NSLs

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD



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NSL VIO-22398

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Hope this satisfies your request. If you have any questions or need additional information, please contact me at [redacted]

Thank you,
[redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Friday, November 19, 2004 12:53 PM
To: [redacted] (CTD) (CON)
Subject: FW: ECPA NSLs
Importance: High

b6
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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted]

b5
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thanks [redacted]

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

From: [redacted] (CTD) (FBI)
Sent: Friday, November 19, 2004 12:13 PM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (CTD) (CON); [redacted] (CTD) (FBI)
Subject: RE: ECPA NSLs
Importance: High

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted]

Regarding the wording for NSL's, I should have this to you shortly.

[redacted]

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If you have any further questions please let me know.

[redacted]
Communications Analysis Unit
FBIHQ, Room 4315
[redacted] (work)
[redacted] (SkyTel pager)
[redacted] (Non secure fax)

~~SECRET~~ VIO-22399

~~SECRET~~



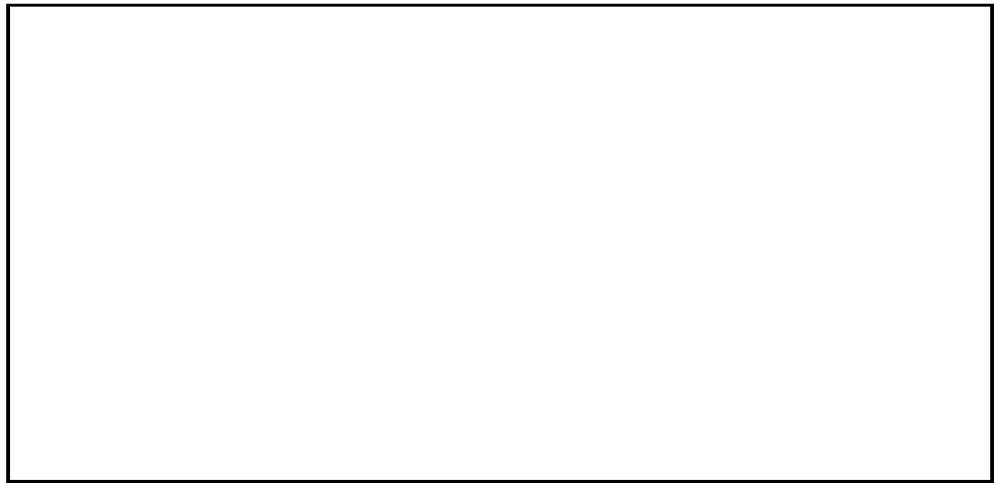
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-----Original Message-----

From: [redacted] (OGC) (FBI)
Sent: Friday, November 19, 2004 11:16 AM
To: [redacted] (TD) (FBI)
Subject: ECPA NSLs

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD



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thanks [redacted]

SENSITIVE BUT UNCLASSIFIED

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SENSITIVE BUT UNCLASSIFIED

~~SECRET~~ NSL VIO-22400

~~SECRET~~

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

~~SECRET~~ NSL VIO-22401

[redacted] (OGC) (INT)

From: [redacted] (OGC) (FBI)
Sent: Monday, November 22, 2004 10:37 AM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (OGA)
Subject: FW: ECPA NSLs

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted] per my discussions with [redacted] two weeks ago, they explained to me the range of information provided by [redacted]

[redacted]

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[redacted]

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b7C

your thoughts are welcome. [redacted]

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

From: [redacted] (CTD) (CON)
Sent: Monday, November 22, 2004 9:31 AM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (CTD) (FBI)
Subject: RE: ECPA NSLs

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NON-RECORD

[redacted]

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NSL VIO-22402

6/21/2007

[Redacted]

[Redacted]

b5

Hope this satisfies your request. If you have any questions or need additional information, please contact me at

[Redacted]

Thank you,

[Redacted]

b2
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-----Original Message-----

From: [Redacted] (OGC) (FBI)
Sent: Friday, November 19, 2004 12:53 PM
To: [Redacted] (TD) (CON)
Subject: FW: ECPA NSLs
Importance: High

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[Redacted]

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thanks, [Redacted]

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

From: [Redacted] (CTD) (FBI)
Sent: Friday, November 19, 2004 12:13 PM
To: [Redacted] (OGC) (FBI)
Cc: [Redacted] (CTD) (CON); [Redacted] (CTD) (FBI)
Subject: RE: ECPA NSLs
Importance: High

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NON-RECORD

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[Redacted]

NSL VIO-22403

[Redacted]
 Communications Analysis Unit
 FBIHQ - Room 4315
 [Redacted] (work)
 [Redacted] (SkyTel pager)
 [Redacted] (Non secure fax)
 [Redacted] (Secure fax)
 [Redacted]

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

From: [Redacted] (OGC) (FBI)
Sent: Friday, November 19, 2004 11:16 AM
To: [Redacted] (CTD) (FBI)
Subject: ECPA NSLs

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NON-RECORD

[Large Redacted Area]

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thanks [Redacted]

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

NSL VIO-22404

[redacted] (OGC) (INT)

From: [redacted] (OGC) (FBI)

Sent: Wednesday, May 04, 2005 5:02 PM

To: [redacted] (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI); [redacted] (OGC) (FBI)

Subject: [redacted] Proposal to amend ECPA NSL to ge [redacted]

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**SENSITIVE BUT UNCLASSIFIED
NON-RECORD**

I have to respond to an EC from [redacted] about issuing an amended form ECPA NSL in certain circumstances. Before I draft an EC, I wanted to make sure everyone is on board with this. It is not a problem in my mind, and I want to make sure you concur before I start on this:

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[redacted]

"Under the authority of Executive Order 12333, dated December 4, 1981, and pursuant to Title 18, United States Code (U.S.C.), Section 2709 (Section 201 of the Electronic Communications and Privacy Act of 1986, as amended), you are hereby directed to provide to the Federal Bureau of Investigation (FBI) the names, addresses, lengths of service, and electronic communication transactional records [redacted]

[redacted] of the person or entity to whom the following telephone number was registered on [insert date]."

[redacted]

b5

[redacted] In fact, apart from the opening paragraph of 2709, wherein it states that "wire or electronic communication service provider shall comply with a request for subscriber information and toll billing records, or electronic communication transactional records," neither of the paragraphs under (b) "required certification" even deal with transactional records. The statute clearly is inartfully drafted. [redacted]

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[redacted]

Please give me your thoughts. [redacted]

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SENSITIVE BUT UNCLASSIFIED

NSL VIO-22405

6/21/2007

[Redacted] (OGC) (INT)

From: [Redacted] (OGC) (FBI)
Sent: Tuesday, May 17, 2005 8:26 AM
To: [Redacted] (FBI); [Redacted] (FBI)
Subject: FW: [Redacted] Proposal to amend ECPA NSL to get [Redacted]

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**SENSITIVE BUT UNCLASSIFIED
NON-RECORD**

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[Redacted]

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

From: THOMAS, JULIE F. (OGC) (FBI)
Sent: Monday, May 16, 2005 5:12 PM
To: [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI)
Subject: RE: [Redacted] Proposal to amend ECPA NSL to get [Redacted]

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**SENSITIVE BUT UNCLASSIFIED
NON-RECORD**

[Redacted]

b5

[Redacted] Julie

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

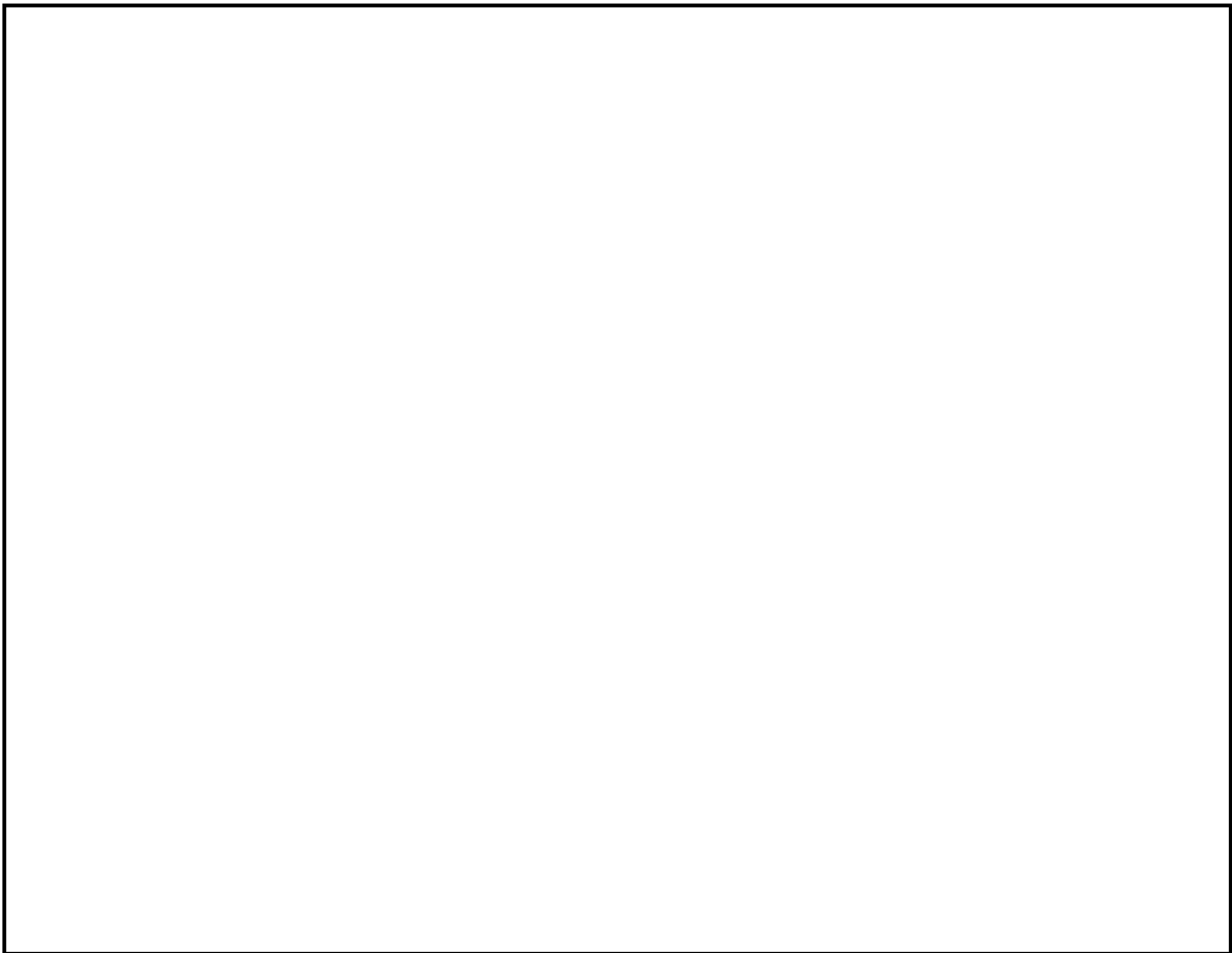
From: [Redacted] (OGC) (FBI)
Sent: Monday, May 16, 2005 1:11 PM
To: [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI)
Subject: RE: [Redacted] Proposal to amend ECPA NSL to get [Redacted]

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**SENSITIVE BUT UNCLASSIFIED
NON-RECORD**

[Redacted]

b5



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

From: [redacted] (OGC) (FBI)
Sent: Monday, May 16, 2005 12:03 PM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: [redacted] Proposal to amend ECPA NSL to get [redacted]

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**SENSITIVE BUT UNCLASSIFIED
NON-RECORD**



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PRIVILEGED DELIBERATIVE DOCUMENT - NOT FOR DISCLOSURE OUTSIDE THE FBI WITHOUT PRIOR OGC APPROVAL

[Redacted]

**Associate General Counsel - Unit Chief
Science & Technology Law Unit
Engineering Research Facility
Bldg 27958A, Room A-207
Quantico, VA 22135
Tel. [Redacted]
Fax [Redacted]**

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

From: [Redacted] (OGC) (FBI)
Sent: Monday, May 16, 2005 10:23 AM
To: [Redacted] (OGC) (FBI)
Cc: [Redacted] (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI); [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI)
Subject: RE: [Redacted] Proposal to amend ECPA NSL to get [Redacted]

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Thanks, [Redacted]

[Large Redacted Block]

b6
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thanks. [Redacted]

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

From: [Redacted] (OGC) (FBI)
Sent: Monday, May 16, 2005 9:28 AM
To: [Redacted] (OGC) (FBI)
Cc: [Redacted] (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI); [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI)

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NSL VIO-22408

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[redacted] (OGC) (FBI)
Subject: RE [redacted] Proposal to amend ECPA NSL to get [redacted]
Importance: High

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NON-RECORD

I note that the NSL Letter's criminal law administrative subpoena counterpart in ECPA, Section 2703(c)(2), is broader than 2709 in that the criminal version was expanded to include methods of payment. Since both provisions were amended by the USA Patriot Act (USPA) (Section 2703 by USPA Section 210, and Section 2709(b) BY USPA 505), a traditional statutory interpretation of parallel provisions would support the inference that Congress intended the limitation on 2709 to be purposeful [redacted]

[redacted]

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[redacted] of Section 211 of the USA Patriot Act which prohibits the provider's disclosure of a subscriber's video programming. [redacted]

[redacted]

[redacted] of Congress' intent under 2709.

[redacted]

[redacted] the order requirements of section 2518(1)(b) to indicate "the nature and type of wire or electronic communications services" [redacted]

[redacted]

[redacted]

b5

STLU will draft such a statute to have it standing on the shelf.

[redacted]

PRIVILEGED DELIBERATIVE DOCUMENT - NOT FOR DISCLOSURE OUTSIDE THE FBI WITHOUT PRIOR OGC APPROVAL

[redacted]

**Associate General Counsel - Unit Chief
Science & Technology Law Unit
Engineering Research Facility**

b6
b7C

NSL VIO-22409

Bldg 27958A, Room A-207
Quantico, VA 22135
Tel. [redacted]
Fax. [redacted]

b2

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

From: [redacted] (OGC) (FBI)
Sent: Thursday, May 05, 2005 5:24 PM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI);
[redacted] (OGC) (FBI)
Subject: FW: [redacted] Proposal to amend ECPA NSL to get [redacted]

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted]

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thanks. [redacted]

b2
b7E

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

From: [redacted] (OGC) (FBI)
Sent: Wednesday, May 04, 2005 5:02 PM
To: [redacted] (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI); [redacted]
[redacted] (OGC) (FBI)
Subject: [redacted] proposal to amend ECPA NSL to get [redacted]

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

I have to respond to an EC from [redacted] about issuing an amended form ECPA NSL in certain circumstances. [redacted]

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[redacted]

[redacted]

"Under the authority of Executive Order 12333, dated December 4, 1981, and pursuant to Title 18, United States Code (U.S.C.), Section 2709 (Section 201 of the Electronic Communications and Privacy Act of 1986, as amended), you are hereby directed to provide to the Federal Bureau of Investigation (FBI) the names, addresses, lengths of service, and electronic communication transactional records to include [redacted]

[redacted]

[redacted] of the person or entity to whom the following telephone number was registered on [insert date]."

[redacted]

b5

[Redacted]

[Redacted]

[Redacted] in fact, apart from the opening paragraph of 2709, wherein it states that "wire or electronic communication service provider shall comply with a request for subscriber information and toll billing records, or electronic communication transactional records," neither of the paragraphs under (b) "required certification" even deal with transactional records. The statute clearly is inartfully drafted. [Redacted]

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[Redacted]

[Redacted]

[Redacted]

Please give me your thoughts.

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SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

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SENSITIVE BUT UNCLASSIFIED

NSL VIO-22411

6/21/2007

SENSITIVE BUT UNCLASSIFIED

NSL VIO-22412

6/21/2007

[Redacted] (OGC) (INT)

From: [Redacted] (OGC) (FBI)
Sent: Monday, June 27, 2005 2:17 PM
To: [Redacted] (FBI); [Redacted] (FBI)
Subject: [Redacted]

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SENSITIVE BUT UNCLASSIFIED
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[Redacted]

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NSL VIO-22413

6/21/2007

[redacted] (OGC) (INT)

b6
b7C

From: [redacted] (OGC) (FBI)
Sent: Wednesday, December 07, 2005 1:09 PM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI); [redacted]
Cc: [redacted] (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI)
Subject: RE: NSL Hypothetical

UNCLASSIFIED
NON-RECORD

[redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Wednesday, December 07, 2005 11:56 AM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); CAPRONI, VALERIE E. (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI)
Subject: RE: NSL Hypothetical

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UNCLASSIFIED
NON-RECORD

I was hoping to be able to provide the ISP transaction record attachment (guidance) to DOJ to assist in responding to their query [redacted]. The document below called "transaction record attachment" is the document that is currently on the NSLB website as the current pony. The description of what's responsive on this doc is different than the attachment being circulated by [redacted] "attachment II". Both include [redacted]. Please let me know which is the current attachment and which "types of information" category allowed us to get [redacted] in the instance we obtained it. If this is easier to do via phone or in person, please reach out. Thanks,

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<< File: Attachment II.wpd >> << File: transaction record attachment web.wpd >>

[redacted]

Special Counsel
Office of Congressional Affairs

[redacted]

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HEREIN IS UNCLASSIFIED
DATE 07-16-2007 BY 65179 DMH/TAM/KSR/JE

b2

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

From: [redacted] (OGC) (FBI)
Sent: Wednesday, December 07, 2005 11:27 AM
To: [redacted] (OGC) (FBI); CAPRONI, VALERIE E. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI)
Subject: RE: NSL Hypothetical

UNCLASSIFIED
NON-RECORD

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[redacted]

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NSL VIO-22420

[Redacted]

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Regarding the question about [Redacted]

[Redacted]

<< File: Attachment II.wpd >>

[Redacted]
Assistant General Counsel
National Security Law Branch
Office of General Counsel FBI

Voice
Pager
Secure Fax
Fax

b6
b7C
b2

b6
b7C

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

From: [Redacted] (OGC) (FBI)
Sent: Wednesday, December 07, 2005 11:03 AM
To: CAPRONI, VALERIE E. (OGC) (FBI); [Redacted] (OCA) (FBI)
Cc: [Redacted] (OGC) (FBI); [Redacted] (OGC)(FBI); THOMAS, JULIE F. (OGC) (FBI)
Subject: RE: NSL Hypothetical

UNCLASSIFIED
NON-RECORD

[Redacted]

b5

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

From: CAPRONI, VALERIE E. (OGC) (FBI)
Sent: Wednesday, December 07, 2005 10:58 AM
To: [Redacted] (OGC) (FBI); [Redacted] (OCA) (FBI)
Cc: [Redacted] (OGC) (FBI); [Redacted] (OGC)(FBI); THOMAS, JULIE F. (OGC) (FBI)
Subject: RE: NSL Hypothetical

b6
b7C

UNCLASSIFIED
NON-RECORD

[Redacted]

b5

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

From: [Redacted] (OGC) (FBI)
Sent: Wednesday, December 07, 2005 10:47 AM
To: CAPRONI, VALERIE E. (OGC) (FBI); [Redacted] RAE (OCA) (FBI)
Cc: [Redacted] (OGC) (FBI); [Redacted] (OGC)(FBI); THOMAS, JULIE F. (OGC) (FBI)
Subject: RE: NSL Hypothetical

b6
b7C

UNCLASSIFIED
NON-RECORD

The website needs to be updated [Redacted]

b5
b2

[Redacted]

b5
b2

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

From: CAPRONI, VALERIE E. (OGC) (FBI)
Sent: Wednesday, December 07, 2005 10:43 AM
To: [Redacted] (OCA) (FBI); [Redacted] (OGC) (FBI)
Cc: [Redacted] (OGC) (FBI); WALSH, SEAN M (OGC)(FBI); THOMAS, JULIE F. (OGC) (FBI)
Subject: RE: NSL Hypothetical

b6
b7C

UNCLASSIFIED
NON-RECORD

No. [Redacted]
[Redacted]

b5
b2

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

From: [Redacted] (OCA) (FBI)
Sent: Wednesday, December 07, 2005 10:34 AM
To: [Redacted] (OGC) (FBI); CAPRONI, VALERIE E. (OGC) (FBI)
Cc: [Redacted] (OGC) (FBI); [Redacted] (OGC)(FBI); THOMAS, JULIE F. (OGC) (FBI)
Subject: RE: NSL Hypothetical

b6
b7C

UNCLASSIFIED
NON-RECORD

This is the NSL pony (with attachment) that is currently on the NSBL website [Redacted]
[Redacted]

b2
b5

<< File: transactional record.wpd >>

[Redacted]
Special Counsel
Office of Congressional Affairs
[Redacted]

b2

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

From: [Redacted] (OGC) (FBI)
Sent: Wednesday, December 07, 2005 10:32 AM
To: CAPRONI, VALERIE E. (OGC) (FBI)
Cc: [Redacted] (OGC) (FBI); [Redacted] (OGC)(FBI); [Redacted]
Subject: RAE (OCA) (FBI); THOMAS, JULIE F. (OGC) (FBI)
RE: NSL Hypothetical

b6
b7C

UNCLASSIFIED
NON-RECORD

No, I think it's the latest [Redacted]
[Redacted]

b2
b5

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

From: CAPRONI, VALERIE E. (OGC) (FBI)
Sent: Wednesday, December 07, 2005 10:28 AM
To: [Redacted] (OGC) (FBI); [Redacted] (OCA) (FBI);
THOMAS, JULIE F. (OGC) (FBI)
Cc: [Redacted] (OGC) (FBI); [Redacted] (OGC)(FBI)
Subject: RE: NSL Hypothetical

b6
b7C

UNCLASSIFIED
NON-RECORD

Isn't this the old attachment? It talks about [redacted] As I recall [redacted]

[redacted]

b5
b4
b7D
b2

[redacted] -- let's talk. I think [redacted]
[redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Wednesday, December 07, 2005 10:20 AM
To: CAPRONI, VALERIE E. (OGC) (FBI); [redacted] (OCA) (FBI);
THOMAS, JULIE F. (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: NSL Hypothetical

b6
b7C

UNCLASSIFIED
NON-RECORD

Interesting that you should raise this question, because Julie is about to discuss with you [redacted]

[redacted]

[redacted] My opinion was that [redacted] agreed, and Julie was going to raise the issue with you.

b5
b4
b7D
b6
b7C

[redacted] I usually refer those questions to [redacted] So while I cannot answer the below question, I think [redacted] probably can. He was charged with [redacted]

[redacted]

[redacted]

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

From: CAPRONI, VALERIE E. (OGC) (FBI)
Sent: Wednesday, December 07, 2005 10:11 AM
To: [redacted] (OCA) (FBI); [redacted] (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: RE: NSL Hypothetical

b6
b7C

UNCLASSIFIED
NON-RECORD

My recollection is that I chased this tail for awhile several months ago. As I recall, no one recalls [redacted]

[redacted]

b5
b6
b7C

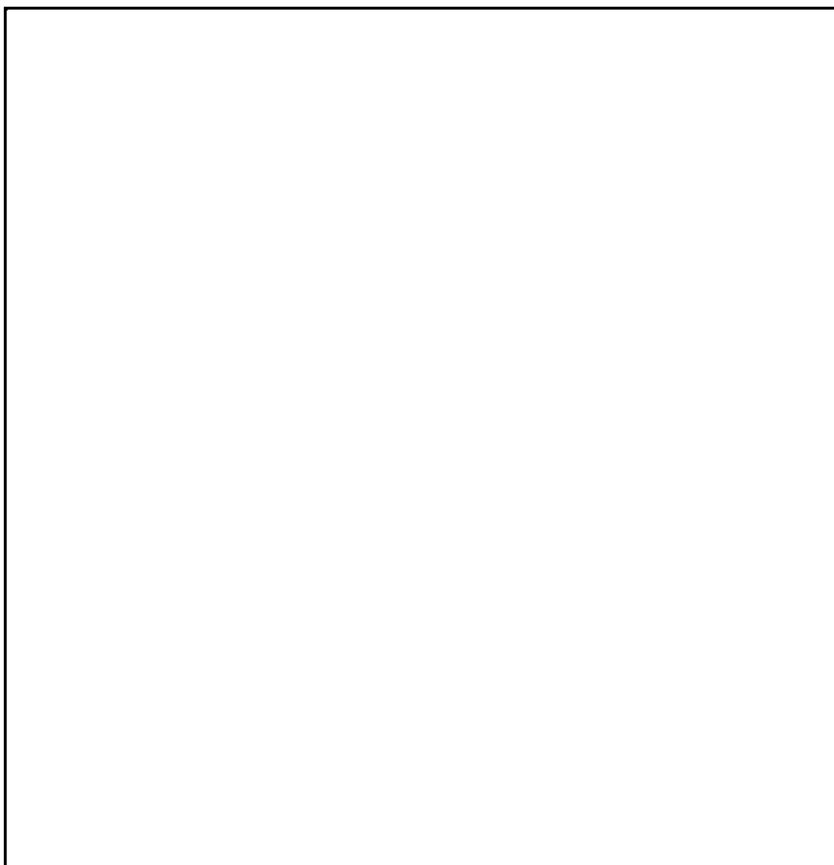
[redacted] is that your recollection?

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

From: [redacted] (OCA) (FBI)
Sent: Wednesday, December 07, 2005 10:07 AM
To: [redacted] (OGC) (FBI); CAPRONI, VALERIE E. (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: NSL Hypothetical

b6
b7C

UNCLASSIFIED
NON-RECORD



b5
b2
b7E
b4
b7D
b6
b7C

Please call if you want to discuss. Thanks,

[Redacted]

Special Counsel
Office of Congressional Affairs

[Redacted]

[Redacted]

b2
b6
b7C

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

[Redacted]

(OGC) (INT)

From: [Redacted] (OGC) (FBI)
Sent: Wednesday, November 23, 2005 1:33 PM
To: [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI)
Subject: RE: Legislative Priorities

b6
b7C

UNCLASSIFIED
NON-RECORD

I think the changes are critical.

[Redacted]

[Redacted]

b5

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

From: [Redacted] (OGC) (FBI)
Sent: Wednesday, November 23, 2005 1:02 PM
To: [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI)
Subject: FW: Legislative Priorities

b6
b7C

UNCLASSIFIED
NON-RECORD

[Redacted]

National Security Law Policy and Training Unit
FBI HQ Room 7975
STU III: [Redacted]
Unclassified Fax: [Redacted]
Secure Fax: [Redacted]

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DATE 07-18-2007 BY 65179 DMH/TAM/KSR/TE

b6
b7C
b2

Privileged Attorney-Client/Attorney Work Product Communication

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

From: [Redacted] (DCA) (FBI)
Sent: Wednesday, November 23, 2005 1:00 PM
To: THOMAS WILTSIE (OGC) (FBI); Caproni, Valerie E. (OGC) (FBI)
Cc: [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI)
Subject: Legislative Priorities

b6
b7C

UNCLASSIFIED
NON-RECORD

[Redacted] DOJ OLP, is preparing [Redacted] In response to his request, we advised that the FBI's priorities including [Redacted]

[Redacted]

b5
b6
b7C
b2

Your input is appreciated. Thanks,

[Redacted]

[Redacted]

Special Counsel
Office of Congressional Affairs

[Redacted]

b2
b6
b7C

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

[redacted] (OGC) (INT)

From: [redacted] (OGC) (FBI)
Sent: Friday, October 01, 2004 3:37 PM
To: BOWMAN, MARION E. (OGC) (FBI)
Subject: RE: [redacted]

b6
b7C
b5

**SENSITIVE BUT UNCLASSIFIED
NON-RECORD**

[redacted]

b5
b2
b6
b7C

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

From: BOWMAN, MARION E. (OGC) (FBI)
Sent: Friday, October 01, 2004 2:08 PM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (OGC); [redacted] (OGC) (FBI)
Subject: RE: [redacted]

b6
b7C
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**SENSITIVE BUT UNCLASSIFIED
NON-RECORD**

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No, I rather like the [redacted] analysis - [redacted]
[redacted]

b2
b7E
b5

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

From: [redacted] (OGC) (FBI)
Sent: Friday, October 01, 2004 12:37 PM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: BOWMAN, MARION E. (OGC) (FBI); [redacted] (OGC); [redacted] (OGC) (FBI)
Subject: RE: [redacted]

b6
b7C
b5

**SENSITIVE BUT UNCLASSIFIED
NON-RECORD**

I concur with [redacted] analysis. [redacted]
[redacted] Spike: [redacted]

b5
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b6
b7C

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

From: [redacted] (OGC) (FBI)

NSL VIO-22427

b6
b7C

Sent: Friday, October 01, 2004 12:33 PM

To: [redacted] (OGC) (FBI)

Cc: BOWMAN, MARION E. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted]

E (OGC); [redacted] (OGC) (FBI)

Subject: RE: [redacted]

b6
b7C
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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[Large redacted block]

b5
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b7C

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

From: [redacted] (OGC) (FBI)

Sent: Friday, October 01, 2004 12:05 PM

To: [redacted] (OGC) [redacted] (OGC) (FBI)

Cc: BOWMAN, MARION E. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted]

[redacted] (OGC) (FBI)

Subject: RE: [redacted]

b6
b7C
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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

b6
b7C

[redacted] et al.

b5
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b7E

[redacted] proposes to use National Security Letters under 18 USC 2709 to obtain subscriber information and "electronic communication transactional records" from [redacted]

[redacted]
[redacted] The records that would be sought through the NSL are the name, address, length of service, and toll-billing records of the user.

Section 2709 requires electronic communication service providers to comply with duly authorized requests for subscriber information and electronic communication transactional records. The proposal by the [redacted] raises one main question: is [redacted] an "electronic communication service provider"?

b6
b7C

[redacted] notes that the electronic communications in this instance are "simply a way of paying for a non-communications related service" [redacted]

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[Large redacted block]

The case cited by [redacted] in support of its proposal addresses a related point, noting that

b2
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NSL VIO-22428

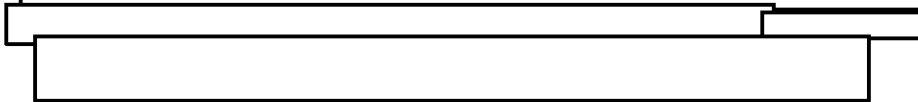


b5
b2

In 1986, ECPA amended the wiretap statute by adding the concept of electronic communication, which is much broader than wire communication. According to ECPA, electronic communication means "any transfer of . . . data . . . of any nature transmitted in whole or in part by a wire, radio [or other] system [etc.]" 18 USC 2510 (12). An electronic communications system is "any wire, radio, electromagnetic, photooptical or photoelectronic facilities for the transmission of electronic communications" and an electronic communications service is "any service which provides users thereof the ability to send or receive wire or electronic communications." 18 USC 2510 (14) and (15). These definitions, which were added in 1986, are much broader than the 1968 definition of wire communication (which was itself loosened in the 1986 act to eliminate the common carrier requirement).



b6
b7C
b5



b5
b6
b7C

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

From: [redacted] (OGC)
Sent: Thursday, September 30, 2004 7:26 AM
To: [redacted] (OGC) (FBI)
Subject: FW: [redacted]

b6
b7C
b5

SENSITIVE BUT UNCLASSIFIED

NSL VIO-22429

NON-RECORD

[redacted] fyi. [redacted]

b6
b7C

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

From: [redacted] (OGC) (FBI)
Sent: Wednesday, September 29, 2004 3:45 PM
To: [redacted] (OGC) (FBI); BOWMAN, MARION E. (OGC) (FBI);
[redacted] (OGC)
Subject: FW: [redacted]

b6
b7C
b5

**SENSITIVE BUT UNCLASSIFIED
NON-RECORD**

I didn't realize you were all on the copy list for a 9/7/04 EC from [redacted] in
concerning an analysis of [redacted]
[redacted] So here is
the message that I sent to [redacted] and blind copied [redacted]

b5
b6
b7C
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b7E

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

From: [redacted] (OGC) (FBI)
Sent: Wednesday, September 29, 2004 3:41 PM
To: [redacted] (FBI)
Subject:

b2
b7E
b6
b7C

**SENSITIVE BUT UNCLASSIFIED
NON-RECORD**

[redacted] I have read your EC on [redacted]
[redacted]

b5
b2
b6
b7C

Thanks [redacted]

SENSITIVE BUT UNCLASSIFIED

[Redacted] (OGC) (INT)

From: [Redacted] (OGC) (FBI)
Sent: Thursday, June 17, 2004 1:21 PM
To: BOWMAN, MARION E. (OGC) (FBI)
Cc: [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI)
Subject: RE: [Redacted]

b6
b7C
b4
b7D

**SENSITIVE BUT UNCLASSIFIED
NON-RECORD**

[Redacted]
[Redacted] "Any thoughts?"

b5
b2
b6
b7C
b4
b7D

[Redacted]

p.s. [Redacted] expect you to do some work on this assignment.

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

From: BOWMAN, MARION E. (OGC) (FBI)
Sent: Thursday, June 17, 2004 1:13 PM
To: [Redacted] (OGC) (FBI)
Subject: RE: [Redacted]

b6
b7C
b4
b7D

**SENSITIVE BUT UNCLASSIFIED
NON-RECORD**

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I have no problem with it

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

From: [Redacted] (OGC) (FBI)
Sent: Thursday, June 17, 2004 1:11 PM
To: BOWMAN, MARION E. (OGC) (FBI)
Cc: [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI)
Subject: FW: [Redacted]

b6
b7C
b4
b7D

**SENSITIVE BUT UNCLASSIFIED
NON-RECORD**

~~SECRET~~

Spike, I sent out an email awhile ago about a cell phone company not providing incoming calls when an NSL is issued. I have since learned that this is the norm, that for wire or wireless calls, we generally only get incoming calls, as those are "billed" to the customer and are thus "toll billing records." Incoming calls are not billed to the customer, so they are not "toll billing records." And, in fact, most companies don't even keep records of incoming calls. [Redacted]

b5
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b7D
b6
b7C

[Redacted]
[Redacted]
[Redacted]
[Redacted]

NSL VIO-22435

[Redacted]

[Redacted]

b5
b2
b4
b7D

[Redacted]

b6
b7C

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

From: [Redacted] (FBI)

Sent: Thursday, June 10, 2004 2:11 PM

To: [Redacted]

[Redacted]

b2
b7E
b6
b7C
b4
b7D

Cc: [Redacted]

[Redacted]

Subject: [Redacted]

**SENSITIVE BUT UNCLASSIFIED
NON-RECORD**

FBI [Redacted] reports that [Redacted] conducts a [Redacted] of a phone number that will provide information identifying [Redacted]

[Redacted]

b2
b7E
b4
b7D
b5

b5
b2
b4
b7D

[Redacted]

Attached are new interim ponies that could be used to access this [Redacted] service. We anticipate that OGC will render more formal guidance and samples at a future date.

b4
b7D

SSA [redacted]
[redacted] Legal Unit [redacted]

b2
b6
b7C
b7E

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

[Redacted] (OGC) (INT)

From: [Redacted] (OGC) (FBI) b4
 Sent: Thursday, June 17, 2004 1:11 PM b7D
 To: BOWMAN, MARION E. (OGC) (FBI) b6
 Cc: [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI) b7C
 Subject: FW: [Redacted]

**SENSITIVE BUT UNCLASSIFIED
NON-RECORD**

~~SECRET~~

Spike, I sent out an email awhile ago about a cell phone company not providing incoming calls when an NSL is issued. I have since learned that this is the norm, that for wire or wireless calls, we generally only get incoming calls, as those are "billed" to the customer and are thus "toll billing records." Incoming calls are not billed to the customer, so they are not "toll billing records." And, in fact, most companies don't even keep records of incoming calls.

b5
b2
b4
b7D
b6
b7C

[Redacted]

[Redacted]

b5
b2
b4
b7D
b6
b7C

[Redacted]

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DATE 07-16-2007 BY 65179 DMH/TAN/KSR/JE

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

From: [Redacted] (FBI)
 Sent: Thursday, June 10, 2004 2:11 PM
 To: [Redacted]

[Redacted]

b2
b7E
b6
b7C
b4
b7D

Cc: [Redacted]

Subject: [Redacted]

NSL VIO-22438

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

b2
b7E
b4
b7D
b5

FB [redacted] reports that [redacted] conducts a [redacted] of a phone number that will provide information identifying [redacted]
[redacted]

[redacted]

b5
b2
b4
b7D
b4
b7D

Attached are new interim ponies that could be used to access this [redacted] service. We anticipate that OGC will render more formal guidance and samples at a future date.

SSA [redacted]
[redacted] Legal Unit [redacted]

b6
b7C
b2
b7E

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

[redacted] (OGC) (INT)

From: [redacted] (OGC) (FBI)
Sent: Tuesday, October 12, 2004 9:20 AM
To: [redacted] (OGC) (FBI)
Subject: RE: [redacted]

b6
b7C
b5

**SENSITIVE BUT UNCLASSIFIED
NON-RECORD**

THANKS VERY MUCH!!!! She is seated next to [redacted] (at x [redacted] down the next hallway from you.
Thanks. again!

b2
b6
b7C

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

From: [redacted] (OGC) (FBI)
Sent: Tuesday, October 12, 2004 9:19 AM
To: [redacted] (OGC) (FBI)
Subject: RE: [redacted]

b6
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b5

**SENSITIVE BUT UNCLASSIFIED
NON-RECORD**

[redacted] I've got it. Will deliver to [redacted]
[redacted]

b6
b7C

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

From: [redacted] (OGC) (FBI)
Sent: Tuesday, October 12, 2004 9:16 AM
To: [redacted] (OGC) (FBI)
Subject: RE: [redacted]

ALL INFORMATION CONTAINED
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DATE 07-16-2007 BY 65179 DMH/TAM/KSR/JE

b6
b7C
b5

**SENSITIVE BUT UNCLASSIFIED
NON-RECORD**

Is that a few pages that you would have a copy of? We don't have a library here, and if it is just a few pages and you have it, could you make a copy and give it to [redacted] who is over there right now awaiting a 9:30 meeting with Julie, before she heads back here? (If you don't have a copy, I'll go through [redacted])

b6
b7C

If this is doable, I'd appreciate it. Thanks [redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Tuesday, October 12, 2004 9:14 AM
To: [redacted] (OGC) (FBI)
Subject: RE: [redacted]

b6
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**SENSITIVE BUT UNCLASSIFIED
NON-RECORD**

[redacted]

Sorry, I was out Friday. The legislative history, Senate Report 99-541, is at 1986 US Code Congressional and Administrative News at around page 3568.

[Redacted]

b6
b7C

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

From: [Redacted] (OGC) (FBI)
Sent: Friday, October 08, 2004 1:22 PM
To: [Redacted] (OGC) (FBI)
Subject: RE: [Redacted]

b6
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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[Redacted] can you tell me where you got the legislative history from? I'd like to get a copy or take a look at what you looked at, since I am writing the OGC reply to [Redacted]

b2
b7E
b6
b7C

Thanks [Redacted]

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

From: [Redacted] (OGC) (FBI)
Sent: Friday, October 01, 2004 12:05 PM
To: [Redacted] (OGC) [Redacted] (OGC) (FBI)
Cc: BOWMAN, MARION E. (OGC) (FBI); [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI)
Subject: RE: [Redacted]

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b5

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

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b7C

[Redacted] et al.

b5
b6
b7C

[Redacted] proposes to use National Security Letters under 18 USC 2709 to obtain subscriber information and "electronic communication transactional records" from [Redacted]. [Redacted] The records that would be sought through the NSL are the name, address, length of service, and toll-billing records of the user.

b2
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Section 2709 requires electronic communication service providers to comply with duly authorized requests for subscriber information and electronic communication transactional records. The proposal by the [Redacted] raises one main question: is [Redacted] an "electronic communication service provider"?

[Redacted] notes that the electronic communications in this instance are "simply a way of paying for a non-communications related service." [Redacted]

b5
b6
b7C

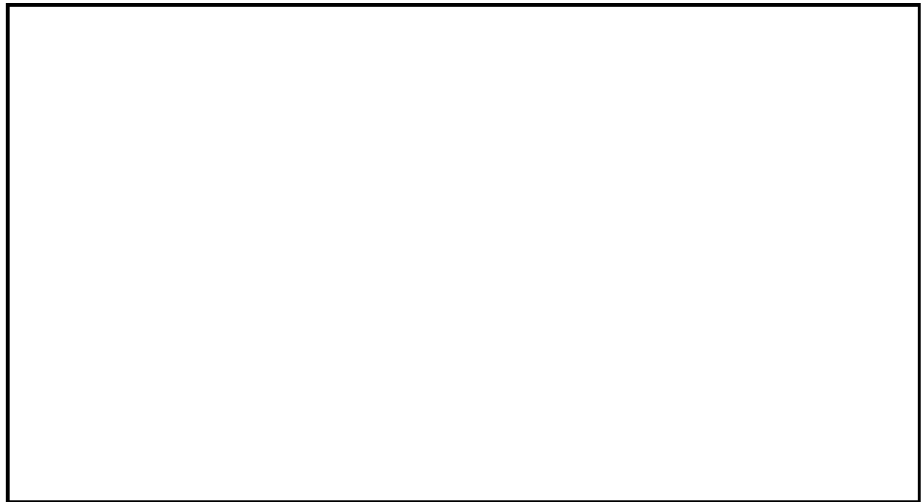
[Redacted]

The case cited by [Redacted] in support of its proposal addresses a related point, noting that [Redacted]

b2
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[Redacted]

NSL VIO-22441

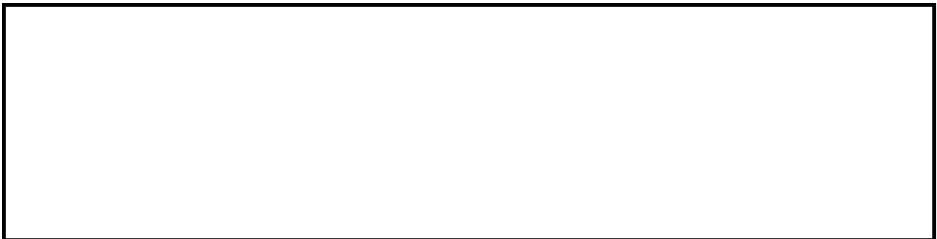


b5
b2

In 1986, ECPA amended the wiretap statute by adding the concept of electronic communication, which is much broader than wire communication. According to ECPA, electronic communication means "any transfer of . . . data . . . of any nature transmitted in whole or in part by a wire, radio [or other] system [etc.]" 18 USC 2510(12). An electronic communications system is "any wire, radio, electromagnetic, photooptical or photoelectronic facilities for the transmission of electronic communications" and an electronic communications service is "any service which provides users thereof the ability to send or receive wire or electronic communications." 18 USC 2510 (14) and (15). These definitions, which were added in 1986, are much broader than the 1968 definition of wire communication (which was itself loosened in the 1986 act to eliminate the common carrier requirement).



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b5
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b7C

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

From: [redacted] (OGC)
Sent: Thursday, September 30, 2004 7:26 AM
To: [redacted] (OGC) (FBI)
Subject: FW: [redacted]

b6
b7C
b5

NSL VIO-22442

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted] fyi. [redacted]

b6
b7C

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

From: [redacted] (OGC) (FBI)
Sent: Wednesday, September 29, 2004 3:45 PM
To: [redacted] (OGC) (FBI); BOWMAN, MARION E. (OGC) (FBI) [redacted] (OGC)
Subject: FW: [redacted]

b6
b7C
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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

I didn't realize you were all on the copy list for a 9/7/04 EC from [redacted] in [redacted] concerning an analysis of [redacted]. So here is the message that I sent to [redacted] and blind copied [redacted].

b5
b6
b7C

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

From: [redacted] (OGC) (FBI)
Sent: Wednesday, September 29, 2004 3:41 PM
To: [redacted] (FBI)
Subject:

b6
b7C
b2
b7E

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted] I have read your EC on [redacted]
[redacted]

b5
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b7C

Thanks [redacted]

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

NSL VIO-22444

6/21/2007

[redacted] OGC) (INT)

From: [redacted] (OGC) (FBI)
Sent: Tuesday, October 12, 2004 9:16 AM
To: [redacted] (OGC) (FBI)
Subject: RE: [redacted]

b6
b7C
b5

**SENSITIVE BUT UNCLASSIFIED
NON-RECORD**

Is that a few pages that you would have a copy of? We don't have a library here, and if it is just a few pages and you have it, could you make a copy and give it to [redacted] who is over there right now awaiting a 9:30 meeting with Julie, before she heads back here? (If you don't have a copy, I'll go through [redacted])

b6
b7C

If this is doable, I'd appreciate it. Thanks [redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Tuesday, October 12, 2004 9:14 AM
To: [redacted] (OGC) (FBI)
Subject: RE: [redacted]

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DATE 07-16-2007 BY 65179 DMH/TAM/KSP/JE

b6
b7C
b5

**SENSITIVE BUT UNCLASSIFIED
NON-RECORD**

[redacted]

Sorry, I was out Friday. [redacted]

[redacted]

[redacted]

b6
b7C
b5

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

From: [redacted] (OGC) (FBI)
Sent: Friday, October 08, 2004 1:22 PM
To: [redacted] (OGC) (FBI)
Subject: RE: [redacted]

b6
b7C
b5

**SENSITIVE BUT UNCLASSIFIED
NON-RECORD**

[redacted] can you tell me where you got the legislative history from? I'd like to get a copy or take a look at what you looked at, since I am writing the OGC reply to NY.

b6
b7C

Thanks [redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Friday, October 01, 2004 12:05 PM
To: [redacted] (OGC); [redacted] (OGC) (FBI)
Cc: BOWMAN, MARION E. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: [redacted]

b5
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b7C

NSL VIO-22445

**SENSITIVE BUT UNCLASSIFIED
NON-RECORD**

b6
b7C

[redacted] et al.

[redacted] proposes to use National Security Letters under 18 USC 2709 to obtain subscriber information and "electronic communication transactional records" [redacted]

b5
b6
b7C

[redacted]

[redacted]

Section 2709 requires electronic communication service providers to comply with duly authorized requests for subscriber information and electronic communication transactional records. The proposal by the [redacted] raises one main question: is [redacted] an "electronic communication service provider"?

b2
b7E

[redacted] notes that the electronic communications in this instance are "simply a way of paying for a non-communications related service." [redacted]

[redacted]

b5
b6
b7C

The case cited by [redacted] in support of its proposal addresses a related point, noting that [redacted]

[redacted]

b2
b7E
b5

In 1986, ECPA amended the wiretap statute by adding the concept of electronic communication, which is much broader than wire communication. According to ECPA, electronic communication means "any transfer of . . . data . . . of any nature transmitted in whole or in part by a wire, radio [or other] system [etc.]" 18 USC 2510(12). An electronic communications system is "any wire, radio, electromagnetic, photooptical or photoelectronic facilities for the transmission of electronic communications" and an electronic communications service is "any service which provides users thereof the ability to send or receive wire or electronic communications." 18 USC 2510 (14) and (15). These definitions, which were added in 1986, are much broader than the 1968 definition of wire communication (which was itself loosened in the 1986 act to eliminate the common carrier requirement).

[redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

b5
b2
b6
b7C

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

From: [Redacted] (OGC)
Sent: Thursday, September 30, 2004 7:26 AM
To: [Redacted] (OGC) (FBI)
Subject: FW: [Redacted]

b6
b7C
b5

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

b6
b7C

[Redacted] fyi. [Redacted]

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

From: [Redacted] (OGC) (FBI)
Sent: Wednesday, September 29, 2004 3:45 PM
To: [Redacted] (OGC) (FBI); BOWMAN, MARION E. (OGC) (FBI); [Redacted]
 [Redacted] (OGC)
Subject: FW: [Redacted]

b6
b7C
b5

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

I didn't realize you were all on the copy list for a 9/7/04 EC from [Redacted] in [Redacted] concerning an analysis of [Redacted] so here is the message that I sent to [Redacted] and blind copied [Redacted]

b5
b6
b7C

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

From: [Redacted] (OGC) (FBI)
Sent: Wednesday, September 29, 2004 3:41 PM
To: [Redacted] (FBI)
Subject:

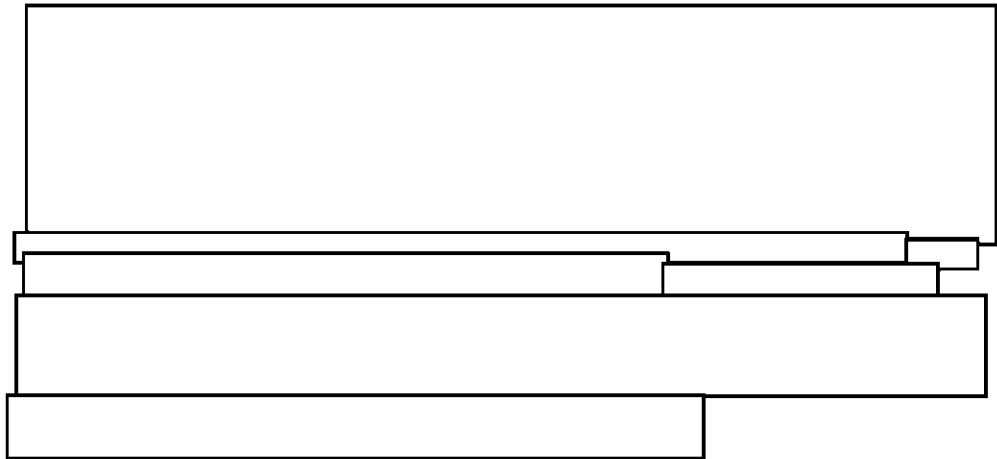
b6
b7C
b2
b7E

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[Redacted] have read your EC on [Redacted]

[Redacted]

b5
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b7C



b5
b2
b6
b7C

Thanks

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

NSL VIO-22448

6/21/2007

[redacted] (OGC) (INT)

From: [redacted] (OGC) (FBI)
Sent: Friday, October 08, 2004 1:22 PM
To: [redacted] (OGC) (FBI)
Subject: RE: [redacted]

b6
b7C
b5

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted] can you tell me where you got the legislative history from? I'd like to get a copy or take a look at what you looked at, since I am writing the OGC reply to [redacted]

b2
b7E
b6
b7C

Thanks. [redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Friday, October 01, 2004 12:05 PM
To: [redacted] (OGC); [redacted] (OGC) (FBI)
Cc: BOWMAN, MARION E. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: [redacted]

b6
b7C
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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

b6
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DATE 07-16-2007 BY 65179 DMH/TAM/KSR/JE

[redacted] et al.

b5
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b7C

[redacted] proposes to use National Security Letters under 18 USC 2709 to obtain subscriber information and "electronic communication transactional records" from [redacted]

[redacted] The records that would be sought through the NSL are the name, address, length of service, and toll-billing records of the user.

Section 2709 requires electronic communication service providers to comply with duly authorized requests for subscriber information and electronic communication transactional records. The proposal by the [redacted] raises one main question: is [redacted] an "electronic communication service provider"?

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b7E
b5

[redacted] notes that the electronic communications in this instance are "simply a way of paying for a non-communications related service." [redacted]

[redacted]

The case cited by [redacted] in support of its proposal addresses a related point, noting that [redacted]

[redacted]

b5
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b7C
b2

NSL VIO-22449

[Redacted]

b5
b2

In 1986, ECPA amended the wiretap statute by adding the concept of electronic communication, which is much broader than wire communication. According to ECPA, electronic communication means "any transfer of . . . data . . . of any nature transmitted in whole or in part by a wire, radio [or other] system [etc.]" 18 USC 2510(12). An electronic communications system is "any wire, radio, electromagnetic, photooptical or photoelectronic facilities for the transmission of electronic communications" and an electronic communications service is "any service which provides users thereof the ability to send or receive wire or electronic communications." 18 USC 2510 (14) and (15). These definitions, which were added in 1986, are much broader than the 1968 definition of wire communication (which was itself loosened in the 1986 act to eliminate the common carrier requirement).

[Redacted]

[Redacted]

b6
b7C
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b2

[Redacted]

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

From: [Redacted] (OGC)
Sent: Thursday, September 30, 2004 7:26 AM
To: [Redacted] (OGC) (FBI)
Subject: FW: [Redacted]

b6
b7C
b5

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[Redacted] yi. [Redacted]

b6
b7C

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

From: [Redacted] (OGC) (FBI)
Sent: Wednesday, September 29, 2004 3:45 PM
To: [Redacted] (OGC) (FBI); BOWMAN, MARION E. (OGC) (FBI); [Redacted] (OGC)
Subject: FW: [Redacted]

b6
b7C
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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

NSL VIO-22450

I didn't realize you were all on the copy list for a 9/7/04 EC from [redacted] in [redacted] concerning an analysis of [redacted]

b5
b6
b7C

[redacted] So here is the message that I sent to [redacted] and blind copied [redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Wednesday, September 29, 2004 3:41 PM
To: [redacted] (FBI)
Subject:

b2
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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted] I have read your EC on [redacted]

[redacted]

b5
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b7C

[redacted] per the case you cited [redacted]

[redacted]

Thanks. [redacted]

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

[redacted] (OGC) (INT)

From: [redacted] (OGC) (FBI)

Sent: Friday, October 01, 2004 12:33 PM

To: [redacted] (OGC) (FBI)

Cc: BOWMAN, MARION E. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC); [redacted] (OGC) (FBI)

Subject: RE: [redacted]

b6
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**SENSITIVE BUT UNCLASSIFIED
NON-RECORD**

[Large redacted block]

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b7C

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

From: [redacted] (OGC) (FBI)

Sent: Friday, October 01, 2004 12:05 PM

To: [redacted] (OGC); [redacted] (OGC) (FBI)

Cc: BOWMAN, MARION E. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)

Subject: RE: [redacted]

b6
b7C
b5

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DATE 07-16-2007 BY 65179 DMH/TAM/KSE/JB

**SENSITIVE BUT UNCLASSIFIED
NON-RECORD**

b6
b7C

[redacted] et al.

[redacted] proposes to use National Security Letters under 18 USC 2709 to obtain subscriber information and "electronic communication transactional records" from [redacted]

b5
b2
b7E

[redacted] the records that would be sought through the NSL are the name, address, length of service, and toll-billing records of the user.

Section 2709 requires electronic communication service providers to comply with duly authorized requests for subscriber information and electronic communication transactional records. The proposal by the [redacted] raises one main question: is [redacted] an "electronic communication service provider"?

b2
b7E

[redacted] notes that the electronic communications in this instance are "simply a way of paying for a non-communications related service." [redacted]

[Large redacted block]

b2
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The case cited by [redacted] in support of its proposal addresses a related point, noting that [redacted]

[Large redacted block]

b2
b7E
b5

In 1986, ECPA amended the wiretap statute by adding the concept of electronic communication, which is much broader than wire communication. According to ECPA, electronic communication means "any transfer of . . . data . . . of any nature transmitted in whole or in part by a wire, radio [or other] system [etc.]" 18 USC 2510(12). An electronic communications system is "any wire, radio, electromagnetic, photooptical or photoelectronic facilities for the transmission of electronic communications" and an electronic communications service is "any service which provides users thereof the ability to send or receive wire or electronic communications." 18 USC 2510 (14) and (15). These definitions, which were added in 1986, are much broader than the 1968 definition of wire communication (which was itself loosened in the 1986 act to eliminate the common carrier requirement).

[Redacted block]

[Large redacted block]

b5
b2
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b7C

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

From: [redacted] (OGC)
Sent: Thursday, September 30, 2004 7:26 AM
To: [redacted] (OGC) (FBI)
Subject: FW: [redacted]

b6
b7C
b5

**SENSITIVE BUT UNCLASSIFIED
NON-RECORD**

[redacted] fyi [redacted]

b6
b7C

NSL VIO-22453

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

From: [redacted] (OGC) (FBI)
Sent: Wednesday, September 29, 2004 3:45 PM
To: [redacted] (OGC) (FBI); BOWMAN, MARION E. (OGC) (FBI); [redacted] (OGC)
Subject: FW: [redacted]

b6
b7C
b5

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

I didn't realize you were all on the copy list for a 9/7/04 EC from [redacted] in [redacted] concerning an analysis of [redacted]

b5
b6
b7C

[redacted] So here is the message that I sent to [redacted] and blind copied [redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Wednesday, September 29, 2004 3:41 PM
To: [redacted] (FBI)
Subject:

b2
b7E
b6
b7C

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted] I have read your EC of [redacted]
[redacted]

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b7C

[redacted] per the case you cited [redacted]
[redacted]
[redacted]

[redacted]

Thanks. [redacted]

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

NSL VIO-22454

[redacted] (OGC) (INT)

From: [redacted] (OGC) (FBI)
Sent: Monday, May 08, 2006 3:20 PM
To: [redacted] (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: [redacted]

b2
b7E
b6
b7C

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted]

b6
b7C
b5
b2

Thanks [redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Tuesday, April 11, 2006 7:25 AM
To: [redacted] (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: [redacted]

b6
b7C
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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

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DATE 07-16-2007 BY 65179 DMH/TAM/KER/VE

[redacted]

[redacted] On the other hand, I think if you ask Julie [redacted]

b5
b2
b6
b7C

[redacted]

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

From: [redacted] (FBI)
Sent: Tuesday, April 11, 2006 7:02 AM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: [redacted]

b6
b7C
b2
b7E

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[Large redacted block]

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b7D

[redacted] Thank you
for your consideration.

[redacted]

******This Document Contains Attorney Work Product and Attorney-Client Privileged Communications******

SSA [redacted]
Associate Division Counsel

[redacted]

b6
b7C
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b7E

[redacted] -- I'm not sure if [redacted] put you in the loop on this one, but you probably should be in the loop since you handle the NSL issues with the field.

[redacted]

b6
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SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

[redacted] (OGC) (INT)

From: [redacted] (OGC) (FBI)
Sent: Wednesday, April 19, 2006 2:30 PM
To: [redacted] (FBI)
Subject: RE: NSL IOBs - rewording the attachment [redacted]

b6
b7C
b2
b7E
b5

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted]

b5

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

From: [redacted] (FBI)
Sent: Wednesday, April 19, 2006 2:22 PM
To: [redacted] (OGC) (FBI)
Subject: RE: NSL IOBs - rewording the attachment [redacted]

b2
b7E
b6
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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

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[redacted]

b5
b2

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

From: [redacted] (OGC) (FBI)
Sent: Wednesday, April 19, 2006 2:07 PM
To: [redacted] (FBI)
Subject: RE: NSL IOBs - rewording the attachment [redacted]

b2
b7E
b6
b7C
b5

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted]

b5
b2

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

From: [redacted] (FBI)
Sent: Wednesday, April 19, 2006 1:21 PM
To: [redacted] (OGC) (FBI)

b6
b7C
b2
NSL VIO-22457
b7E

Subject: RE: NSL IOBs - rewording the attachment [redacted]

b5

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted]

b2
b7E
b6
b7C
b5

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

From: [redacted] (OGC) (FBI) b6
Sent: Wednesday, April 19, 2006 11:38 AM b7C
To: FBI ALL CDCS b5
Cc: [redacted] (OGC) (FBI)
Subject: FW: NSL IOBs - rewording the attachment [redacted]

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted]

b5
b2

[redacted]

b6
b7C

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

From: [redacted] (OGC) (FBI) b6
Sent: Monday, April 17, 2006 2:38 PM b7C
To: THOMAS, JULIE F. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC)(FBI) b5
Subject: NSL IOBs - rewording the attachment [redacted]

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted]

b5
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b5
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b6
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SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

[redacted] OGC (INT)

From: [redacted] OGC (FBI)
Sent: Wednesday, April 19, 2006 2:07 PM
To: [redacted] (FBI)
Subject: RE: NSL IOBs - rewording the attachment [redacted]

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted]

b5
b2

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 07-16-2007 BY 65179 DMH/TAM/KSR/JE

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

From: [redacted] (FBI)
Sent: Wednesday, April 19, 2006 1:21 PM
To: [redacted] OGC (FBI)
Subject: RE: NSL IOBs - rewording the attachment [redacted]

b6
b7C
b2
b7E
b5

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted]

b2
b7E
b6
b7C
b5

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

From: [redacted] OGC (FBI)
Sent: Wednesday, April 19, 2006 11:38 AM
To: FBI_ALL CDCs
Cc: [redacted] (OGC) (FBI)
Subject: FW: NSL IOBs - rewording the attachment [redacted]

b6
b7C
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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted]

b5
b2

[Redacted]

b5
b2
b6
b7C

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

From: [Redacted] (OGC) (FBI)
Sent: Monday, April 17, 2006 2:38 PM
To: THOMAS, JULIE F. (OGC) (FBI); [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI)
Subject: NSL IOBs - rewording the attachment [Redacted]

b6
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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[Redacted]

b5
b2
b6
b7C

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

[redacted] (OGC) (INT)

From: [redacted] (OGC) (FBI)
Sent: Tuesday, April 11, 2006 7:25 AM
To: [redacted] (FBI)
Cc: [redacted] (OGC) (FBI) [redacted] (OGC) (FBI)
Subject: RE: [redacted]

b2
b7E
b6
b7C

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted]

[redacted] On the other hand, I think if you ask Julie, [redacted]

[redacted]

b6
b7C
b2
b5

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

From: [redacted] (FBI)
Sent: Tuesday, April 11, 2006 7:02 AM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: [redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 07-16-2007 BY 65179 DMH/TAM/KSR/JE

b2
b7E
b6
b7C

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted]

b5
b2
b6
b7C
b4
b7D

[redacted] Thank you for your consideration.

[redacted]

****This Document Contains Attorney Work Product and Attorney-Client Privileged Communications****

SSA [redacted]

Associate Division Counsel

[Redacted]

[Redacted] I'm not sure if [Redacted] but you in the loop on this one, but you probably should be in the loop since you handle the NSL issues with the red.

[Redacted]

b2
b7E
b6
b7C

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

