

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/25/2005

To: General Counsel

Attn: GC Valerie E. Caproni
UC [redacted]

[redacted]

Attn: ADIC [redacted]

Inspection

Attn: Internal Investigations
Section

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From: Inspection
Office of Inspections
Contact: Chief Inspector [redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Approved By: [redacted]

Drafted By: [redacted] j1 75

DATE: 06-19-2007
CLASSIFIED BY: 65179/DMH/KSP/PW
REASON: 1.4 (c)
DECLASSIFY ON: 06-19-2032

(U) **Case ID #:** (U) 297-HQ-1271741-A (Pending)
(S) 278-HQ-C1229736-VIO (Pending)

1073946

Title: (U) [redacted] FIELD OFFICE [redacted] FO INSPECTION
02/07/2005 - 02/25/2005
INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

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(U) **Synopsis:** (U) Report possible IOB violation.

(S) ~~Derived From : G-3~~
~~Declassify On: 02/21/2015~~

(S) **Reference:** (U) [redacted]
(S) [redacted]
(U) 66F-HQ-A1247863 Serial 172

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(S) **Details:** (S) During the course of the inspection of the [redacted] FO, pertinent files assigned to Special Agents on [redacted] were reviewed. The review identified one potential IOB violation in a pending [redacted] which had not been previously reported by the [redacted] FO.

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(S) [redacted]

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263-0-U-342

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[redacted]

4-8-05
11-9-05 SL VIO-18152

To: General Counsel From: Inspection
Re: (U) 297-HQ-1271741-A, 02/25/2005

(S)

~~(S)~~ The Attorney General Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG) issued October 31, 2003. [redacted]

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(S)

SA [redacted] interviewed the subject after the [redacted] and before an [redacted]

~~(S)~~ Pursuant to the reporting requirements set forth in Section 2-56(G) of the NFIP Manual, the following information is being provided to the OGC for appropriate action:

(S) 1.

[redacted]

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(U)

~~(S)~~ 2. Subject is a U. S. Person (USPER).

(U)

~~(S)~~ 3. Possible IOB Error: Unauthorized investigation.

(S)

~~(S)~~ 4. Case Agent [redacted]

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(S)

[redacted] after the [redacted]

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(U)

~~(S)~~ The [redacted] FO was instructed to report the aforementioned IOB matter to OGC National Security Law Branch.

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To: General Counsel From: Inspection
Re: (U) 297-HQ-1271741-A, 02/25/2005

LEAD(s):

Set Lead 1: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) Will review the potential IOB matter for appropriate action.

Set Lead 2: (Action)

[Redacted]

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AT

[Redacted]

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(U) Immediately report the aforementioned IOB matter to the Office of General Counsel, National Security Law Branch, as set forth in the NFIPM Section 2-56(G).

◆◆

- 1 - [Redacted]
- 1 - [Redacted]
- 1 - IOB Workpapers
- 1 - Inspection Management Unit
- 1 - [Redacted] Folder

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FD-302 (Rev. 10-6-95)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

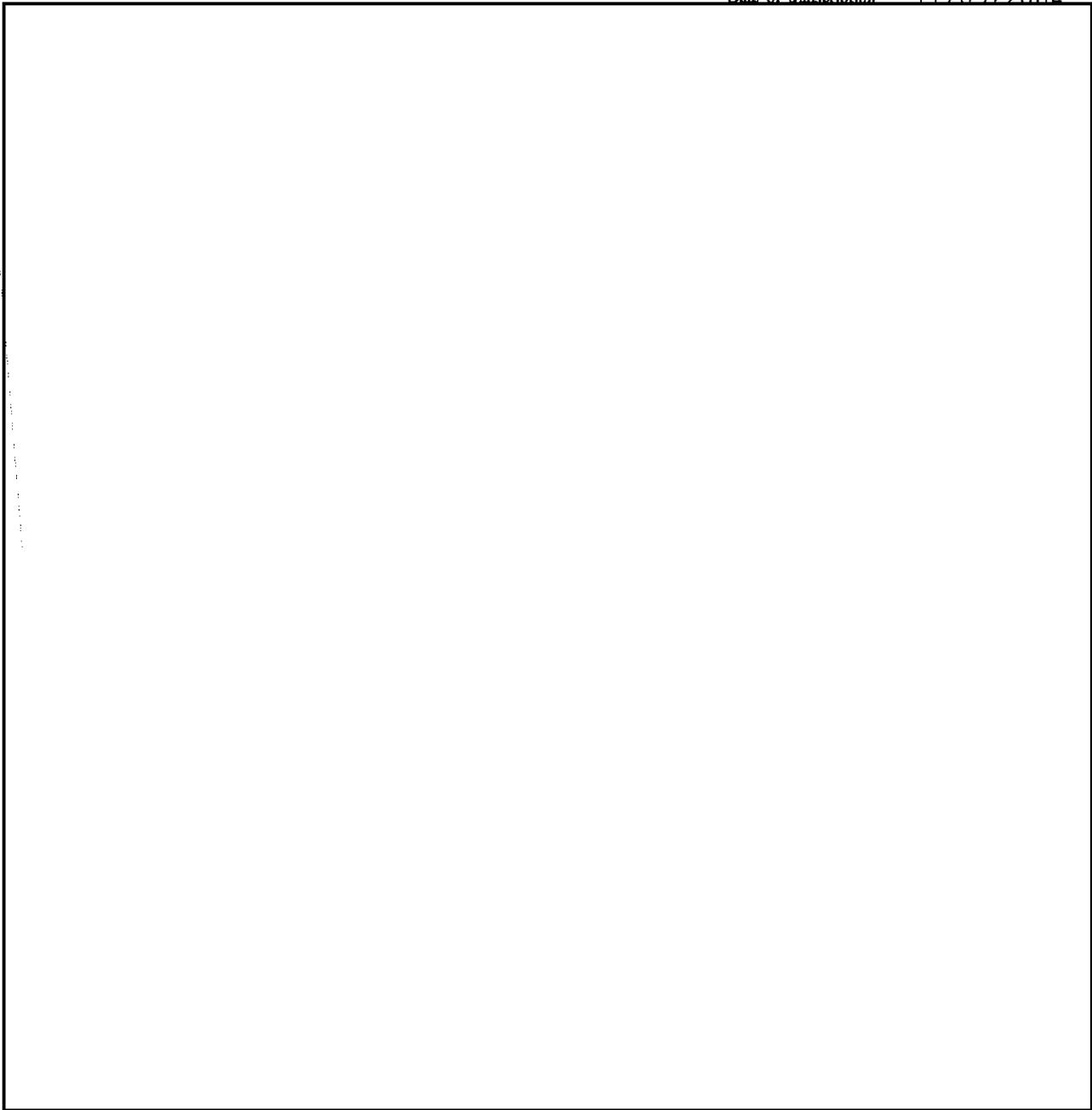
DATE: 06-20-2007
CLASSIFIED BY: 65179/DWH/KSR/RW
REASON: 1.4 (c)
DECLASSIFY ON: 06-20-2032

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 11/09/2004

(S)



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Investigation on 10/29/2004 at



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(S)

File #



Date dictated Not Dictated

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by SA SA



rd

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~~SECRET~~ VIO-18155

(S) [Redacted]

(S) [Redacted]
Continuation of FD-302 of [Redacted]

, On 10/29/2004 , Page 2

(S) [Redacted]
(S) [Redacted]

[Large Redacted Area]

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FD-302a (Rev. 10-6-95)

(S)

[Redacted]

(S)

Continuation of FD-302 of

[Redacted]

, On 10/29/2004 , Page 3

(S)

[Large Redacted Area]

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 11/01/2004

To: Counterterrorism

Attn: SSA [redacted]

ITOS I, CON 4, Team 13

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From: [redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Contact: [redacted]

Approved By: [redacted]

DATE: 06-19-2007
CLASSIFIED BY: 65179/DMH/KSP/RW
REASON: 1.4 (c,d)
DECLASSIFY ON: 06-19-2062

Drafted By: [redacted]

rd (S)

(S)

Case ID #: (S) [redacted]

(Pending) [redacted]

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Title: (S) [redacted]

Synopsis: ~~(S)~~ The purpose of this communication is to request a

(S)

[redacted]

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(U)

~~(S)~~

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

(S)

~~(U)~~ [redacted]

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Details: (S/NF/OC/EISA) [redacted]

[redacted]

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(S/NF/OC) [redacted]

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(S)

To: Counterterrorism From: [redacted]
Re: ~~(S)~~ [redacted] 11/01/2004

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[redacted]

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(S/NE/OC)

[redacted]

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(S/NE/OC) No investigation was conducted since the

[redacted]

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(S/NE/OC) Based on this recent information obtained

(S)

from [redacted] SA [redacted] plans to submit NSL's [redacted]

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[redacted]

SA [redacted] requests a [redacted]

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(S)

[redacted]

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~~SECRET~~

(S) To: Counterterrorism From: [redacted]
Re: (U) [redacted] 11/01/2004

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LEAD(s) :

Set Lead 1: (Info)

COUNTERTERRORISM

AT WASHINGTON, D.C.

(U) Read and clear

♦♦

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NSL VIO-18160

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FEDERAL BUREAU OF INVESTIGATION #1296

Precedence: ROUTINE

Date: 03/11/2005

To: General Counsel
 Inspection

Attn: NSLB
Attn: Internal Investigations

From: [Redacted]

Contact: SSA [Redacted]

Approved By: [Redacted]
[Redacted]
[Redacted]
Drafted By: [Redacted]

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

(U) Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO (Pending) - 752
(U) 297-HQ-1271741-A (Pending) - 70

(U) Title: ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[Redacted] FIELD OFFICE [Redacted] (FO) INSPECTION
02/07/2005 - 02/25/2005

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Synopsis: (U) Report of possible IOB violation.

DATE: 06-20-2007
CLASSIFIED BY: 65179/DMH/KSR/RW
REASON: 1.4 (c)
DECLASSIFY ON: 06-20-2032

(U) ~~(S)~~ Derived From : G-3
Declassify On: 03/11/2015

Reference: (S) [Redacted]

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Details: (U) During the course of the inspection of the [Redacted] FO, pertinent files assigned to Special Agents on [Redacted] were reviewed. The review identified one potential IOB violation. This potential IOB violation is being reported pursuant to the requirements set forth in Section 2-56(G) of the NFIP Manual, and as stated in 66F-HQ-A1247863 Serial 149. The following information is provided to the General Counsel for appropriate action:

(S) ~~(U)~~ 1) Identification of the substantive investigation in which the questionable activity occurred [Redacted]

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(S) ~~(U)~~ 2) [Redacted]
[Redacted]

~~SECRET~~

OIG/DOJ Review: [Redacted] DATE: 4/18/05
FBI INVEST: [Redacted] OIG/DOJ INVEST: [Redacted]
OPR UC INITIALS: [Redacted]

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NSI VIO-18161

~~SECRET~~

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(U) To: General Counsel From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/11/2005

(S) ~~(U)~~ 2) [redacted]
[redacted] b1
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(U) 3) Identification of the subject's status as a United States or non-United States person: United States person;

(S) ~~(U)~~ 4) A statement concerning the controlling legal authority for the investigation or the administrative requirements of the NFIP Manual that pertain [redacted] b1
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(S) ~~(U)~~ 5) A statement of the error believed committed and when it occurred: The case Agent (SA [redacted]) conducted a [redacted] after [redacted] expired. b1
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(S) ~~(U)~~ There is no excuse or justification for the error. However, there are facts the General Counsel should know. For instance, SA [redacted] transferred to [redacted]. He had no counterterrorism (CT) experience or training prior to the transfer. At the time of his arrival to [redacted], the squad had an acting supervisor. A full-time supervisor did not report to the squad until 08/22/2004. [redacted] b6
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(S) [redacted] b1
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~~(U)~~ Also, in [redacted] [redacted] conducted an investigation about the threat [redacted]

[redacted] The investigation was briefed to the Director, and President of the United States, daily. SA [redacted] was an integral part of the investigation. [redacted] b1
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(S) [redacted] b6
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(U) This information is not offered to excuse the error. Instead, it is presented to show that SA [redacted] meant no harm. It was administrative oversight not to request the extension before [redacted] SA [redacted] was an inexperienced CT Agent trying to learn on the job.

~~SECRET~~

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(U) To: General Counsel From:
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/11/2005

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LEAD(s):

Set Lead 1: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) Review the details of this electronic communication for appropriate action.

Set Lead 2: (Action)

INSPECTION

AT WASHINGTON, DC

(U) Read and clear.

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NSL VIO-18163

~~SECRET/NOFORN~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 05/25/2005

To: Inspection
Counterterrorism

Attn: IIS

Attn: UC/SSA
SSA

Attn: SA

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From: General Counsel
National Security Law Branch/CTLU I/LX-1 5S-200
Contact:

Approved By: Thomas Julie F

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Drafted By: kdm

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

DATE: 06-20-2007
CLASSIFIED BY: 65179/DHH/KSR/RG
REASON: 1.4 (c)
DECLASSIFY ON: 06-20-2032

Title: (S) INTELLIGENCE OVERSIGHT BOARD
MATTER 2005-
857

Synopsis: (S) It is the opinion of the Office of General
Counsel (OGC) that this matter must be reported to the
Intelligence Oversight Board (IOB). Our analysis follows.

~~(S) Derived From : G-3
Declassify On: 05/25/2030~~

Reference: (U) 297-HQ-1271741 Serial 75
(S) 278-HQ-C1229736 Serial 841

Details: (S) As discussed in the referenced Electronic
Communication (EC), the Division initiated
a U.S. Person. During the course
of the investigation, properly obtained month
extension for the investigation in accordance with Attorney
General's Guidelines for FBI National Security Investigations and

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~~SECRET/NOFORN~~

To: Inspection From: General Counsel
Re: (S) [redacted] 05/25/2005

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(S)

Foreign Intelligence Collection (NSIG).¹ With the extension, the [redacted] investigation had to be completed by [redacted]

(S)

However, [redacted] conducted [redacted] [redacted], almost two months after [redacted] had expired. [redacted] did not request an extension [redacted] until [redacted]

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(U)

(S) Section 2-56 of the NFIPM requires OGC to determine whether the facts related above are required to be reported to the IOB. In this case, they must be reported.

(U) Section 2.4 of Executive Order (E.O.) 12863, dated September 13, 1993, mandates that Inspectors General and General Counsels of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division, and the General Counsel, OGC, respectively) report to the IOB "concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive".

(S)

[Large redacted block]

(S)

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(S)

¹ While this [redacted] was initiated when the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations (FCIG) were applicable, the FCIG was superceded by the NSIG on October 31, 2003.

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To: Inspection From: General Counsel
Re: (S) [redacted] 05/25/2005

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(S)

[redacted]

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(Emphasis added.)

(S)

Although this provision of the NSIG is primarily administrative in nature, it was designed in part to protect the rights of U.S. persons [redacted]

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(S)

(S) In the instant matter, [redacted] continued investigative activity after [redacted] This activity was inconsistent with the requirements of the NSIG.

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(S)

Consequently, in accordance with the reporting requirements of Section 2.4 of E.O. 12863, OGC will prepare a cover letter and an LHM to report this matter to the IOB.

To: Inspection From: General Counsel
Re: (S) [redacted] 05/25/2005

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LEAD(s):

Set Lead 1: (Action)

INSPECTION

AT IIS, WASHINGTON, DC

(U) Read and clear.

Set Lead 2: (Action)

[redacted]

AT

[redacted]

(U) Read and clear.

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Set Lead 3: (Action)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) Read and clear.

1 - Ms. Thomas

1 -
1 -

[redacted]

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◆◆

BY COURIER

Mr. James Langdon
Chairman
Intelligence Oversight Board
New Executive Office Building
Washington, D.C.

DECLASSIFIED BY 65179/DMH/KSR/RW
ON 06-20-2007

Dear Mr. Langdon:

Enclosed for your information is a self-explanatory enclosure entitled "Intelligence Oversight Board (IOB) Matter, [redacted] Division, 2005 [redacted]"

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This enclosure 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 - [redacted]
- 1 - 278-HQ-C1229736-VIO-858

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~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

~~Derived from : FBI G-3
Declassify on: May 25, 2030~~

~~SECRET~~

NSL VIO-18168

~~SECRET~~

Mr. James Langdon

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

- 2 -

~~SECRET~~

NSL VIO-18169

~~SECRET~~

Mr. James Langdon

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[redacted] DIVISION
2005-[redacted] (U)

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(S) Investigation of this IOB matter has determined that, on
[redacted] Division [redacted]
initiated [redacted] of a US Person. During
(S) the course of the investigation, [redacted] properly obtained a
[redacted] extension for the investigation in accordance with
(S) Attorney General's Guidelines for FBI National Security
Investigations and Foreign Intelligence Collection (NSIG). With
(S) the extension, [redacted] investigation had to be completed by
[redacted] However, [redacted] conducted [redacted]
[redacted] almost two months after [redacted] had
expired. [redacted] did not request an extension [redacted] until
(S) [redacted] Conducting the interview on October 29, 2004 was
inconsistent with the requirements of the NSIG, and must be
reported in accordance with the requirements of Section 2.4 of E.O.
12863. This matter has been referred to the FBI's Office of
Professional Responsibility for action deemed appropriate (S).

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~~Derived from : FBI SCG G-3
Declassify on: May 1, 2030~~

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NSL VIO-18170

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 11/09/2005

To: General Counsel

Attn: NSLB

From: Inspection

Internal Investigations Section, IPU, Room 11102

Contact: CRS [redacted] Ext. [redacted]

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Approved By: Figliuzzi C Frank

DECLASSIFIED BY 85179/DMH/KSR/EM
ON 06-20-2007

Drafted By: [redacted]

(U)

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

(U)

Title: ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 1296
OGC/IOB# 2005-[redacted]

b2

Synopsis: (U) To report a potential Intelligence Oversight Board (IOB) matter to the Office of General Counsel, National Security Law Branch (NSLB).

(U)

~~(S)~~ ~~Derived From: G-3~~
~~Declassify On: X1~~

(U)

Reference: ~~(S)~~ 278-HQ-C1229736-VIO Serial 752
278-HQ-C1229736-VIO Serial 841
278-HQ-C1229736-VIO Serial 857

Details: (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 3/11/2005, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the incident described therein is indicative of a performance issue. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 11/09/2005

To: [Redacted]

Attn: ADIC (Personal Attention)

From: Inspection

Internal Investigations Section, IPU, Room 11102

Contact: UC [Redacted] Ext. [Redacted]

Approved By: Figliuzzi C Frank [Redacted]

Drafted By: [Redacted]

Case ID #: ✓ (S) 263-HQ-0-U - 342 (Pending)

Title: (S) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 1296
OGC/IOB# 2005-[Redacted]

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Synopsis: (U) To advise the captioned reporting of potential Intelligence Oversight Board (IOB) violation has been reviewed by the Internal Investigations Section (IIS), and is not considered willful misconduct. This incident is remanded back to the field for whatever action deemed necessary and appropriate. Case closed at IIS.

~~(S) Derived From : G-3
Declassify On: X1~~

DECLASSIFIED BY 65179/DMH/KSR/RM
ON 06-19-2007

Enclosure(s): (S) 278-HQ-C1229736-VIO Serial 841

Reference: (S) 278-HQ-C1229736-VIO Serial 752
278-HQ-C1229736-VIO Serial 841
278-HQ-C1229736-VIO Serial 857

Details: (U) Upon review of Inspection Division's captioned report of a potential IOB violation, it is IIS's opinion that the incident is not indicative of willful misconduct. IIS only actively pursues investigations where deliberate and/or aggravated misconduct is evident, and accordingly, this case is closed at IIS.

(U) IIS does, however, suggest this incident be potentially considered a possible performance related issue with respect to the employee and respective supervisor, and relegates any future action relative to this incident to the discretion of the [Redacted] Division. IIS recognizes and appreciates that

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To: [redacted] From: Inspection
Re: 263-0-U - 342, 11/09/2005

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this matter was brought to our attention as required by the revisions mandated by National Security Law Branch/OGC EC, dated 03/18/2005 (319X-HQ-A1487720 serial 6).

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U.S. Department of Justice
Office of the Inspector General

1296

Washington, D.C. 20530

DATE: November 1, 2005

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-19-2007 BY 65179/DMH/KSP/RM

TO: Charlene B. Thornton
Assistant Director
Inspection Division
Federal Bureau of Investigation

Glenn G. Powell

FROM: Glenn G. Powell
Special Agent in Charge
Investigations Division

SUBJECT: OIG Complaint No. 2006000189

Subject: [Redacted]
[Redacted] Division
FBI No. 278-HQ-C1229736-VIO

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- We consider this a management matter. The information is being provided to you for whatever action you deem appropriate in accordance with your agency's policy and regulations. A copy of your findings and/or final action is not required by the OIG.
- This matter is referred to your agency for investigation. Please provide the OIG with a copy of your final report on this matter.
- This complaint will be investigated by the OIG.

IMPORTANT NOTICE

Identifying information may have been redacted from the attached OIG Report/Referral pursuant to § 7 of the IG Act or because an individual has (a) requested confidentiality or (b) expressed a fear of reprisal. If you believe that it is necessary that redacted information be made available to your Agency, you may contact the Assistant Inspector General for Investigations.

Please be advised that, where adverse action is not contemplated, the subject of an investigation does not have a right to have access to an OIG Report/Referral or to the identities of complainants or witnesses, and that, in all cases, complainants and witnesses are entitled to protection from reprisal pursuant to the Inspector General Act and the Whistleblower Protection Act.

Attachment

OIG - INVESTIGATIONS DIVISION - IDMS

OIG NO. [] 412-2006-000189-M

Received By: [] b6 Date Received: 04/18/2005 How Received: A
b7C

SUBJECT OF A COMPLAINT:

Title: SA
Component: FBI
Misc:

Pay Plan: []
EOD Date: []

SSNO: []
D.O.B.:
Alien No.:
F.B.I.No.:
B.O.P.No.:
D/L No.:

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Home:
Phone: [] ZIP: []

Work: [] Division, []

Phone: [] ZIP: []

COMPLAINANT:

Title: SSA
Component: FBI
Misc:

Pay Plan: []
EOD Date: []

SSNO: []
D.O.B.:
Alien No.:
F.B.I.No.:
B.O.P.No.:
D/L No.:

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Home:
Phone: [] ZIP: []

Work: [] Division, CT-5, []

Phone: [] ZIP: []

Confidential: [] Revealed: [] Authority: none

ALLEGATIONS: 412 Job Performance Failure

Occurrence Date: 10/29/2004

CITY: [] State: [] TIME: [] Zip: [] b2
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Details:

The FBI provided information reporting a potential IOB violation. During the course of the inspection of the FBI, [] FO, pertinent files assigned to agents on [] were reviewed. The review identified an administrative oversight, involving [] conducted by SA [] after the [] expired. (S)

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DISPOSITION DATA: Date: 04/18/2005 Disposition: M Approval: POWELL, GLENN G

Referred to Agency: [] Component: FBI

Civil Rights: N Sensitive: N

Component Number: 278-HQ-C12297636-VIO-752 Consolidated Case Number:

Remarks:

11/1/05 - Predicating material contains information which has been classified and has been sent to AD Thornton, FBI Inspection Division as a management issue. (yht)

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-19-2007 BY 65179/DHH/KSR/RW

006 [redacted] M

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/11/2005

To: General Counsel
✓ Inspection

Attn: NSLB
Attn: Internal Investigations

From: [redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Contact: SSA [redacted]

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Approved By: [redacted]

DATE: 06-20-2007
CLASSIFIED BY 65179/DMH/KSR/RW
REASON: 1.4 (c)
DECLASSIFY ON: 06-20-2032

Drafted By: [redacted]

(U) Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO (Pending) - 752
(U) 297-HQ-1271741-A (Pending) - 70

(U) Title: ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[redacted] FIELD OFFICE [redacted] FO INSPECTION
02/07/2005 - 02/25/2005

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Synopsis: (U) Report of possible IOB violation.

(U) ~~(S)~~ Derived From: G-3
Declassify On: 03/11/2015

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Reference: (S) [redacted]

Details: (U) During the course of the inspection of the [redacted] FO, pertinent files assigned to Special Agents on [redacted] were reviewed. The review identified one potential IOB violation. This potential IOB violation is being reported pursuant to the requirements set forth in Section 2-56(G) of the NFIP Manual, and as stated in 66F-HQ-A1247863 Serial 149. The following information is provided to the General Counsel for appropriate action:

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(S) (U) 1) Identification of the substantive investigation in which the questionable activity occurred: [redacted]

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(S) ~~(S)~~ 2) [redacted]

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OIG/DOJ Review:
FBI INVEST. [redacted]
OPR UC INITIALS: [redacted]

DATE: 4/18/05
OIG/DOJ INVEST.: [redacted]

NSL VIO-18176

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To: General Counsel From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/11/2005

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(S) ~~(U)~~ [redacted]

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(U) 3) Identification of the subject's status as a United States or non-United States person: United States person;

~~(U)~~ 4) A statement concerning the controlling legal authority for the investigation or the administrative requirements of the NFIP Manual that pertain: [redacted]

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~~(U)~~ 5) A statement of the error believed committed and when it occurred: The case Agent (SA [redacted]) conducted a [redacted] which was after [redacted] expired.

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(U) There is no excuse or justification for the error. However, there are facts the General Counsel should know. For instance, SA [redacted] transferred to [redacted] [redacted] He had no counterterrorism (CT) experience or training prior to the transfer. At the time of his arrival [redacted] the squad had an acting supervisor. A full-time supervisor did not report to the squad until 08/22/2004. [redacted]

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[redacted]

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~~(U)~~ Also in [redacted] conducted an investigation about the threat [redacted]

(S) The investigation was briefed to the Director, and President of the United States, daily. SA [redacted] was an integral part of the investigation. [redacted]

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(U) This information is not offered to excuse the error. Instead, it is presented to show that SA [redacted] meant no harm. It was administrative oversight not to request the extension [redacted] SA [redacted] was an inexperienced CT Agent trying to learn on the job.

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To: General Counsel From:

(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/11/2005

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LEAD(s):

Set Lead 1: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) Review the details of this electronic communication for appropriate action.

Set Lead 2: (Action)

INSPECTION

AT WASHINGTON, DC

(U) Read and clear.

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11:26:35.9

CURRENT INFORMATION

MAP1161

NAME: [REDACTED]

SSN: [REDACTED]

SEX: M

ADJ. EOD: [REDACTED]

ADJ. AGENT EOD: [REDACTED]

DOB: [REDACTED]

OFFICE: [REDACTED]

DATE ASSIGNED: [REDACTED]
SQUAD: [REDACTED]

RA :

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-19-2007 BY 65179/DMH/KSR/RM

TITLE : SPECIAL AGENT

FUNC/ORG. : SPECIAL AGENT

PSTN NUMBER: [REDACTED]

LAST GRADE CHANGE: [REDACTED]

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SALARY : [REDACTED]
LOC/LEO PAY: [REDACTED]
ADJ SALARY : [REDACTED]

GRADE STEP : [REDACTED]
LOC/LEO PCT: [REDACTED]
PRD : 0 SRTN: [REDACTED]
MERIT IND : N

FILE NUM : [REDACTED]
CREDENTIAL : [REDACTED]
CLEARANCE: [REDACTED]

EXTENSION: [REDACTED]

ROOM:

WORK PHONE: [REDACTED]

BLDG: FEDERAL

! PF1 !	! PF2 !	! PF3 !	! PF4 !	! PF5 !	! PF6 !	! PF7 !	! PF8 !	! PF9 !	! PF10 !
! HSTY !	! RATING !	! WRK SCD !	! EDUC !	! SKILL !	! INSERT !	! MLTY !	! LANG !	! TRAIING !	! TRNSFR !
! PF11 !	! PF12 !	! PF13 !	! PF14 !	! PF15 !	! PF16 !	! PF17 !	! PF18 !	! PF19 !	! PF20 !
! PROP !	! MISC !	! RETIR !	! ADDR !	! DATES !	! INSURE !	! LEAV !	! PRL !	! !	! EXIT !

4A0

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When filling out this form, please press firmly with ballpoint pen.

ACCOUNTABILITY

FROM: (Name) [Redacted] (Organization and Address) DOJ/OIG/INV

TO: (Name) [Redacted] (Organization and Address) FBI Investigations

SIGNATURE: (of Recipient) & DATE: _____

If sent outside DOJ, Return this copy to: _____

DOCUMENT IDENTITY

SUBJECT & DESCRIPTION: OIG No. 2006-000189-M

[Redacted] Division

FBI No. 278-HQ-C1229736-110

Date of Document: 11/1/05 No. of pages: 6

Copy _____ of _____ Copies.

Classification of Document (Check Appropriate Box(es) Below):

TS S CONF SCI Q OTHER

INTERNAL DOJ ROUTING

NAME OF RECIPIENT (Print Name)	SIGNATURE	ORGANIZATION & DATE REC'D.
1. [Redacted]	[Redacted]	INSD/INV 11/1/05
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____

INSTRUCTIONS ON BACK OF LAST PAGE

FORM DOJ-34 JUN. 81

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ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-19-2007 BY 65179/DMH/KSR/RM

~~SECRET~~

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FEDERAL BUREAU OF INVESTIGATION

#1326
2003-

Precedence: PRIORITY

Date: 08/15/2003

To: General Counsel

Attn: National Security
Law Branch

Unit Chief

Senior Counsel Spike Bowman b2
Assistant Director b6
Office of Congressional Affairs b7C
b7E

Counterterrorism Division

Director's Office

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

From:

Chief Division Counsel

Contact:

Approved By:

DATE: 06-20-2007
CLASSIFIED BY: 65179/DMH/ESR/RW
REASON: 1.4 (c)
DECLASSIFY ON: 06-20-2032

Drafted By:

(U)
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Case ID #: (S) 278-HQ-C1229736-VIO (Pending) ¹⁰²⁷
(S) 278--39407 (Pending)

Title: (U) REPORTING OF COUNTERTERRORISM
INVESTIGATIVE ACTIVITY WHICH MAY BE
CONTRARY TO APPLICABLE POLICY;
POSSIBLE INTELLIGENCE OVERSIGHT BOARD
MATTER.

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Synopsis: (U) Communication reports counterterrorism
investigative activity which division was advised by
the Office of the General Counsel (OGC) to report as a possible
Intelligence Oversight Board violation.

(U)

~~(S) Derived From: G-3
Declassify On: X1~~

(U) Details: (S) By way of background information, it recently came
to the attention of the Chief Division Counsel (CDC) of the

~~SECRET~~

263-0-U-348

~~SECRET~~

To: General Counsel From: [redacted]
Re: (U) 278-HQ-C1229736, 08/15/2003

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[redacted] Division, [redacted] that an investigation was pending regarding a possible Intelligence Oversight Board (IOB) violation involving the [redacted]. This possible violation pertains to the use of a Federal Grand Jury subpoena to acquire information identified through use of investigative techniques authorized by the Foreign Intelligence Surveillance Act (FISA). [redacted]

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¹ (U) Title 50 United States Code (U.S.C.), Section 1806(b) (pertaining to electronic surveillance) and Section 1825(c) (pertaining to physical searches), both provide that "[n]o information acquired pursuant to this subchapter shall be disclosed for law enforcement purposes unless such disclosure is accompanied by a statement that such information, or any information derived therefrom, may only be used in a criminal proceeding with the advance authorization of the Attorney General" (Emphasis added.)

² (U) CDC [redacted] is of the opinion that [redacted]

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To: General Counsel From: [redacted]
Re: (U) 278-HQ-C1229736, 08/15/2003

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(U) ~~(S)~~ Accordingly, on 08/04/2003 while addressing this issue at a meeting of the [redacted] CDC [redacted] advised its members to consult with him before seeking a Federal grand jury subpoena under similar circumstances until such time this issue is resolved. During that meeting, it was brought to CDC [redacted] attention that [redacted] had recently obtained and served a Federal grand jury subpoena [redacted].
Additionally, later that week the [redacted] requested an opinion from the CDC regarding [redacted].

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[redacted]

(U) The aforementioned events prompted CDC [redacted] to contact Marion E. "Spike" Bowman, Senior Counsel for National Security Affairs, Office of the General Counsel (OGC), on 08/07/2003, to discuss this issue. Mr. Bowman advised that he had that day discussed this issue at length with representatives from OIPR as a result of the previously referenced pending [redacted] IOB matter. Mr. Bowman confirmed that OIPR currently considers the issuing of a Federal grand jury subpoena based upon FISA derived information to be the use of such information in a

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(S) ³ ~~(S)~~ In the [redacted] criminal counterterrorism investigation wherein this Federal grand jury subpoena was issued [redacted]

(S) [redacted] This information was properly shared with the criminal case and a Federal grand jury subpoena was obtained requesting [redacted]

[redacted] It should be noted that at the time the FISA coverage was authorized, more than sufficient information existed to obtain a "criminal" [redacted]. However, this step was not taken because it would only duplicate the same information [redacted]. Accordingly, such action would have been a waste of time and resources, as well as being inconsistent with the current information sharing initiative being promoted by the AG.

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b3 FGJ

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To: General Counsel From: [REDACTED]
Re: (U) 278-HQ-C1229736, 08/15/2003

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"criminal proceeding."⁴ In light of OIPR's current opinion regarding this issue, it was determined that [REDACTED] should report this matter to FBIHQ as a possible IOB violation in light of the prompt reporting requirements involving such matters.

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(U) It should be noted that over the past year, CDC [REDACTED] as consistently promoted the concept with the [REDACTED] that the PATRIOT Act and the decision of the FISA Court of Review eliminated the "wall" that previously existed between intelligence and criminal investigations. The FBIHQ requirement that a parallel intelligence investigation be open each time a criminal counterterrorism case is opened has been stressed in an effort to promote investigators to effectively maximize the use of all investigative tools available to wage "the war on terrorism." In support of that objective, [REDACTED] also opens parallel criminal investigations (265 classification) when the "criminal" investigative tools available will enhance the investigative efforts in pending counterterrorism intelligence investigations (199 classification). Additionally, the same special agent is sometimes assigned as case agent for both the criminal and the intelligence investigations to promote information sharing and efficiency.

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(U) In summary, the actions taken by the case agent to obtain information via a Federal grand jury subpoena in the matter at issue were completely consistent with the general investigative approach established and promoted by [REDACTED]. At the time the information was subpoenaed, time was of the essence and necessarily prompted the case agent to look to the fastest way to acquire the information being sought. Since a

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⁴ (U) The current opinion of OIPR clings to the old practice of maintaining a "wall" between criminal and intelligence investigations. The applicable provisions of the PATRIOT Act and the construction of those provision by the FISA Court of Review has removed the "wall" which previously separated such matters. To construe the aforementioned statutory provisions in FISA (50 U.S.C. 1806(b) and 1825(c)) in this fashion--as OIPR has done--reflects the existence of a overly conservative mind set which is no longer valid or advisable. Additionally, such an opinion fails to recognize the function of a grand jury subpoena in the Federal criminal justice system. The issuing of such a subpoena is a function of the executive branch and does not substantively involve the court or a judicial proceeding.

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To: General Counsel From: [redacted]
Re: (U) 278-HQ-C1229736, 08/15/2003

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subpoena is procedurally faster than a National Security Letter (NSL), a Federal grand jury subpoena was sought.⁵ The investigative actions taken were clearly taken in good faith and in no way involved an intentional effort by the case agent to violate any statute, guideline, policy or practice.

(U) ~~(S)~~ As advised by OGC on 08/13/2003, the following background information is provided:

(S)	Subject:	[redacted]	b1
			b2
(S)	Case Numbers:	[redacted] (Pending)	b6
(S)		[redacted] (Pending)	b7A
			b7C
	Status:	Non-U.S. Person	b7E

Possible IOB Violation: A Federal grand jury subpoena was issued for [redacted] The [redacted] which was the subject of the subpoena was identified from [redacted] pursuant to FISA.

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(U) Lastly, it should be noted that this matter could have been easily avoided through the use of an administrative subpoena if such were available in terrorism investigation. OGC has consistently supported field recommendations that

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[redacted]

(U) The expanded delegation of National Security Letter (NSL) authority has been of some assistance in this area, but

⁵ (U) In hindsight, a Title 21 administrative subpoena could have been issued in this case inasmuch as the subject is

[redacted]

However, in light of the counterintuitive reasoning of OIPR on the pending issue, [redacted] is concerned [redacted]

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[redacted]

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To: General Counsel From: [redacted]
Re: (U) 278-HQ-C1229736, 08/15/2003

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access to records via NSLs still falls far short of what is needed to effectively wage the "war on terrorism." NSLs are limited in scope, are too slow procedurally, and do not provide access to general business records. Federal grand jury subpoenas present yet another set of problems--such as the one that is being addressed in this potential IOB matter. What is clearly needed is an administrative subpoena that can be used to quickly obtain the records needed in terrorism investigations, both criminal (265 classification) and intelligence (199 classification). It is ironic that Congress has seen fit to equip Federal investigators with administrative subpoena authority in health care fraud investigations, crimes against children investigations, and to wage the "war of drugs," but has yet to provide similar authority to wage the continuing "war on terrorism."⁶

(U) On August 7, 2003, the Director announced a separation of the Office of Public and Congressional Affairs and named Eleni P. Kalisch as Assistant Director for the Office of Congressional Affairs in an effort to develop a closer working relationship with key lawmakers and their staffs regarding legislative initiatives important to the Bureau's mission. Accordingly, [redacted] recommends that Counterterrorism Division, OGC, and the new Office of Congressional Affairs utilize this opportunity to carefully consider taking prompt and coordinated action to obtain administrative subpoena authority in all terrorism investigations. The accomplishment of this goal will substantially improve the Bureau's ability to prevent a future act of terrorism within the United States.

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(U)

~~(S)~~ It has been [redacted] observation [redacted]

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To: General Counsel From: [REDACTED]
Re: (U) 278-HQ-C1229736, 08/15/2003

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LEAD(s):

Set Lead 1: (Action)

GENERAL COUNSEL

AT WASHINGTON, D.C.

(U) Review the information contained herein for a possible IOB violation and take, any appropriate action that may be necessary. Additionally, give due consideration to the legislative proposal regarding administrative subpoena authority in all counterterrorism investigations and coordinate this effort with Counterterrorism Division and the Office of Congressional Affairs.

Set Lead 2: (Action)

COUNTERTERRORISM

AT WASHINGTON, D.C.

(U) Inasmuch as a negative finding in this matter could adversely affect counterterrorism investigations, Counterterrorism Division is requested to review the information contained herein and take any action deemed appropriate in support of [REDACTED] position that the mere issuing of a Federal grand jury subpoena based upon FISA derived information should not be considered as "use[] in a criminal proceeding" as defined by FISA. Additionally, give due consideration to the legislative proposal regarding administrative subpoena authority in all counterterrorism investigations and coordinate this effort with OGC and the Office of Congressional Affairs.

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Set Lead 3: (Action)

DIRECTOR'S OFFICE

AT OCA, DC

(U) Give due consideration to the legislative proposal regarding administrative subpoena authority in all counterterrorism investigations and coordinate this effort with OGC and Counterterrorism Division.

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NSL-VIO-18187

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 09/01/2005

To: Inspection

Attn: IIS

Counterterrorism

Attn: AD

[Redacted]

Attn: SAC, CDC

From: General Counsel
Counterterrorism Law Unit II

Contact: [Redacted]

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Approved By: Thomas Julie

DECLASSIFIED BY 65179/DMH/KSR/RM
ON 06-20-2007

Drafted By: [Redacted]

(U) Case ID #: (S) 278-HQ-C1229736-VIO (Pending) 1030
(S) 278- [Redacted] 39407 (Pending)

b2
b7E

(U) Title: (S) INTELLIGENCE OVERSIGHT BOARD MATTER
IOB 2003- [Redacted]

b2

(U) Synopsis: (S) It is the opinion of the Office of the General Counsel (OGC) that this matter must be reported to the Intelligence Oversight Board (IOB) and to the Office of Professional Responsibility (OPR), FBIHQ. OGC will prepare a cover letter and a memorandum to report this matter to the IOB. Our analysis follows.

(U) (S) ~~Derived From: G-3~~
~~Declassify On: X1~~

(U) Reference: (S) 278-HQ-C1229736-VIO Serial 1027

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

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OIG/DOJ Review
FBI INVEST: [Redacted]
OPR UC INITIALS: [Redacted]

DATE: 11-18-05
FBI INVEST: [Redacted]

NSL VIO 18188

*downloaded
11/18/05 [Signature]*

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(U) To: Inspection From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 09/01/2005

(U) ~~(S)~~ Details: As discussed in the electronic communication (EC) referenced below¹, on 07/09/03, a federal grand jury subpoena was issued in connection with a [redacted] criminal investigation based upon a telephone number obtained pursuant to a Pen Register and Trap and Trace device authorized by the Foreign Intelligence Surveillance Court (FISC). The federal grand jury subpoena was obtained [redacted]

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b3 FGJ

(U) ~~(S)~~ The Foreign Intelligence Surveillance Act of 1978 (FISA) requires that the Attorney General approve any use of FISA-derived information in a criminal proceeding.² The Office of Intelligence Policy and Review (OIPR) of the Department of Justice (DOJ) considers the issuing of a federal grand jury subpoena based upon FISA-derived information to be the use of such information in a criminal proceeding.³

(U) Section 2.4 of Executive Order (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, INSD, and the General Counsel, OGC, respectively) report to the IOB "concerning intelligence activities that they have reason to believe may be unlawful or

(U) ~~(S)~~ EC from the [redacted] Division [redacted] dated 08/15/03, and titled "Reporting of Counterterrorism Investigative Activity which may be contrary to Applicable Policy: Possible Intelligence Oversight Board Matter" (hereinafter cited as [redacted] EC).

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² (U) Title 50 United States Code (U.S.C.) Section 1845(b) (pertaining to pen register or trap and trace devices) provides that "no information acquired pursuant to this subchapter shall be disclosed for law enforcement purposes unless such disclosure is accompanied by a statement that such information, or any information derived therefrom, may only be used in a criminal proceeding with the advance authorization of the Attorney General." (Emphasis added.)

³ (U) In a June 3, 2005 document issued by the Office of Intelligence Policy and Review (OIPR) at the U.S. Department of Justice, entitled "Guidance on the Use and Discovery of Information Obtained Pursuant to the Foreign Intelligence Surveillance Act of 1978 in National Security Investigations and Cases," the Deputy Counsel for Criminal Matters opined that the term "criminal proceedings" includes all ancillary and provisional steps relating to criminal proceedings, including **grand jury subpoenas**. (Emphasis added.) Although this document was just recently issued, OIPR has long held and expressed this view.

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To: ~~Inspection~~ From: General Counsel
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 09/01/2005

contrary to Executive order or Presidential directive." This language was adopted verbatim from E.O. 12334, dated 12/04/1981, when the IOB was known as the President's Intelligence Oversight Board (PIOB). By longstanding agreement, the language has been interpreted to mandate the reporting of constitutional violations, federal statutes, regulations, and guidelines.

(U) ~~(S)~~ In the instant case, [redacted] clearly used FISA-derived information to obtain a federal grand jury subpoena without prior approval of the Attorney General. It is acknowledged that the case agent acted in good faith in a situation in which time was of the essence. It is noted that a year later, on [redacted] [redacted] requested the Attorney General authorize the use of FISA-derived information in the criminal proceeding pertaining to this investigation. [redacted] did receive subsequent use authority [redacted]. However, although subsequent use authority was obtained over a year after the dissemination, inasmuch as this action constitutes a violation of the FISA statute, OGC will prepare a cover letter and a memorandum to report this matter to the IOB. That correspondence will also advise the IOB that this matter will be referred to the FBI's Inspection Division. b2 b7E

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~~SECRET~~

To: Inspection From: General Counsel
Re: (S) 278-HQ-C1229736-VIO, 09/01/2005

(U)

LEAD(s):

Set Lead 1: (Action)

INSPECTION

AT IIS

(U) For action deemed appropriate.

Set Lead 2: (Info)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) Please read and clear.

Set Lead 3: (Action)

[Redacted]

AT [Redacted]

(U) For action deemed appropriate.

CC: Ms. Thomas

[Redacted]

IOB library

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~~SECRET~~

BY COURIER

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

DECLASSIFIED BY 65179/DMH/KSR/RW
ON 06-20-2007

Dear Mr. Langdon:

Enclosed for your information is a self-explanatory memorandum entitled "Intelligence Oversight Board (IOB) Matter, [redacted] Division, IOB Matter 2003-[redacted] (U)

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This 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 Inspection Division. (U)

Enclosure

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

- 1 - Mr. Hulon
- 1 - 278-HQ-C1229736-VIO - 1031
- 1 - Inspection (IOB 2003-[redacted])
- 1 - [redacted]

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LDK:ldk

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

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11/18/05/ks*

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Mr. James Langdon

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- Honorable Alberto Gonzalez
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

~~SECRET~~

-2-

NSL VIO-18193

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED] DIVISION
IOB MATTER 2003 [REDACTED] (U)

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(U)

~~(S)~~ Inquiry has determined that on 07/09/03, a federal grand jury subpoena was issued in connection with a [REDACTED] criminal investigation based upon a telephone number obtained pursuant to a Pen Register and Trap and Trace device authorized by the Foreign Intelligence Surveillance Court (FISC). The federal grand jury subpoena was obtained requesting [REDACTED]

b3 FGJ

[REDACTED] The Foreign Intelligence Surveillance Act of 1978 (FISA) requires that the Attorney General approve any use of FISA-derived information in a criminal proceeding.¹ The Office of Intelligence Policy and Review (OIPR) of the Department of Justice (DOJ) considers the issuing of a federal grand jury subpoena based upon FISA-derived information to be the use of such information in a criminal proceeding. Since [REDACTED] actions constituted a violation of the FISA statute, this report is being made to the Intelligence Oversight Board. ~~(S)~~ (U)

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

DECLASSIFIED BY 65179/DMH/KSP/RW
ON 06-20-2007

~~SECRET~~

¹ (U) Title 50 United States Code (U.S.C.) Section 1845(b) (pertaining to pen register or trap and trace devices) provides that "no information acquired pursuant to this subchapter shall be disclosed for law enforcement purposes unless such disclosure is accompanied by a statement that such information, or any information derived therefrom, may only be used in a criminal proceeding with the advance authorization of the Attorney General." (Emphasis added.)

~~SECRET~~

NSL VIO-18194

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 11/28/2005

To: General Counsel

Attn: NSLB

From: Inspection

Internal Investigations Section IPU, Room 11102

Contact: CRS [redacted] Ext. [redacted]

Approved By: Figliuzzi C Fran [redacted]

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Drafted By: [redacted]

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

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 1326
OGC/IOB# 2003-[redacted]

b2

Synopsis: (U) To report a potential Intelligence Oversight Board (IOB) matter to the Office of General Counsel, National Security Law Branch (NSLB).

Reference: (U) 278-HQ-C1229736-VIO Serial 1027
278-HQ-C1229736-VIO Serial 1030

Details: (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 8/15/2003, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the incident described therein is indicative of a performance issue. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-19-2007 BY 65178/DMB/KSR/RM

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 11/22/2005

To: Counterterrorism

Attn: ITOS II\GOU

UC

SSA

General Counsel

Attn: NSL

AGC

Attn: SSA

From: Inspection

Internal Investigations Section IPU, Room 11865

Contact: CRS

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Approved By: Figliuzzi C Frank

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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Drafted By:

Case ID #: (U) 263-HQ-0-U - 351 (Pending)

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(U) 278-HQ-C1229736-VIO - 1051 (Pending)

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(U) 105-61029 (Pending) - 46

b7C

Title: (U) INTELLIGENCE OVERSIGHT BOARD;

b7E

SSA

SA

DIVISION

DATE: 06-20-2007

CLASSIFIED BY 65179/DMH/KSR/EM

REASON: 1.4 (c)

DECLASSIFY ON: 06-20-2032

Synopsis: (U) Forwarding material to Counterterrorism Division for appropriate handling.

(U)

~~(S)~~

~~Derived From: G-3~~

~~Declassify On: X1~~

Reference: (U) 278-HQ-C1229736-VIO serial 1044

(U) 105A-DN-61029 serial 45

(U)

Enclosure(s): ~~(S)~~ Enclosed for Counterterrorism Division (CTD), International Terrorism Operations Section (ITOS) II, Global Operations Unit (GOU) is the following:

(U)

enclosing: ~~(S)~~ A copy of 278-HQ-C1229736-VIO, serial 1044

One envelope containing three CD-ROM's and

~~SECRET~~

263-0-U-351

NSL VIO-18196

~~SECRET~~

To: Counterterrorism From: Inspection
Re: (U) 263-HQ-0-U, 11/22/2005

(S) [redacted] paper copies of [redacted]
[redacted] containing unauthorized material furnished by
[redacted] pursuant to a National Security Letter
(NSL).

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Details: (S) By way of 278-HQ-C1229736-VIO serial 1044, [redacted]
Division forwarded to Inspection Division (INSD), Internal
Investigations Section (IIS) the enclosed unauthorized collected
material inadvertently obtained pursuant to: 1) an NSL to [redacted]
and 2) a Foreign Intelligence Surveillance Court (FISC)
authorized electronic surveillance. By standard practice, this
material should have been provided by [redacted] Division to CTD\ITOS
II\GOU, the substantive unit supervising the investigation in
which the material was collected. In turn, that unit SSA should
turn it over to the Office of Intelligence Policy and Review
(OIPR), getting a receipt for it. OIPR will then provide it to
the (FISC) for either sequestration or destruction.

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(U) Accordingly, INSD, IIS is forwarding the enclosed
material to CTD\ITOS I\GOU for appropriate handling.

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~~SECRET~~

To: Counterterrorism From: Inspection
Re: (U) 263-HQ-0-U, 11/22/2005

WORKING COPY

(1) INSD



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~~SECRET~~

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NSL VIO-18198

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

#1490
(2005 [redacted])

b2

Precedence: ROUTINE

Date: 09/12/2005

To: General Counsel

Attn: National Security Law Branch
Room 7975

Counterintelligence

Attn: CD-2C Unit
SSA [redacted]

From: [redacted]
Squad 4
Contact: SA [redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Approved By: [redacted]

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DATE: 06-19-2007
CLASSIFIED BY 65179/DMH/ESP/RM
REASON: 1.4 (c,d)
DECLASSIFY ON: 06-19-2032

(U) Drafted By: [redacted]

Case ID #: (S) 278-HQ-C1229736-VIO - 973

(U) Title: (S) INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

(U) Synopsis: (S) Possible IOB error for non-compliance with a requirement of the Attorney General.

(U) (S) ~~Derived From : G-3~~
~~Declassify On: 25-X1~~

Details:
(S) 1. [redacted]
(S) 2. [redacted]

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(U) (S) 3. Possible IOB Error:

(S) [redacted]

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(U) (S) 4. Description of IOB Error (including any reporting delays).

Handwritten: [redacted] ~~SECRET~~
PS Action
12/14/05
12/14/05

263-0-U-356

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(U) To: General Counsel From: [redacted]
Re: (S) 278-HQ-C1229736-VIO, 09/12/2005

(S)

[redacted] Special Agent (SA)

(S) [redacted] captioned case agent, drafted a [redacted] extension request and forwarded it to FBIHQ. The EC stated, "Electronic Communication uploaded into ACS only. No hard copy to follow." Due to a pending TDY assignment to FBIHQ [redacted] SA [redacted] requested captioned investigation be reassigned. [redacted] captioned matter was reassigned to writer. [redacted] writer received results of a National Security Letter (NSL). NSL was drafted 12/30/2004 and forwarded to [redacted] did not provide NSL results to FBI until 05/05/2005. The NSL results contained no toll records, only billing information. [redacted]

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(S) [redacted] informed writer that captioned subject maintained a basic service plan and as such, carrier was not responsible for maintaining toll records for telephone line. Other than the receipt of the billing information from [redacted] took no other action in this matter after the [redacted] as noted above. On [redacted]

(S) [redacted] while attempting to verify the [redacted] date for a communication for the file, writer determined FBIHQ had never responded to the lead set by [redacted] in the [redacted] extension request [redacted]

[redacted] Writer contacted FBIHQ and was granted a verbal extension. On 08/31/2005, FBIHQ informed writer of potential Intelligence Oversight Board (IOB) violation due to an "investigation action conducted while the case was not open."

info.
regarding
verizon not
classified.

(S) While [redacted] is reporting this as a possible IOB, [redacted] questions whether the receipt of such records after the [redacted] expiration, based on a lawful, authorized request, constitutes investigation. Moreover, [redacted] again calls attention to its earlier attempt to secure a more timely extension.

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(U) To: General Counsel From:
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 09/12/2005

LEAD(s):

Set Lead 1: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) For information only.

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NSL VIO-18201

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 11/09/2005

To: [Redacted]

Attn: SA [Redacted]
CDC

Counterintelligence
Inspection

Attn: SSA [Redacted] CD-2C
Attn: IIS [Redacted]

From: Office of the General Counsel
NSLB/CILU/Room 7947

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Contact: [Redacted]

Approved By: Thomas Julie F
[Redacted]

Drafted By: [Redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Case ID #: (U) 278-HQ-C1229736-VIO-1045 (Pending)

Title: (S) INTELLIGENCE OVERSIGHT BOARD MATTER
2005 [Redacted] b2

Synopsis: (S) It is the opinion of the Office of the General
Counsel (OGC) that this matter need not be reported to the
Intelligence Oversight Board (IOB). A copy of this opinion
should be retained in the control file for review by Counsel to
the IOB.

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

DATE: 06-20-2007
CLASSIFIED BY: 85179/DHM/KSR/RW
REASON: 1.4 (c)
DECLASSIFY ON: 06-20-2032

Reference: (U) 278-HQ-C1229736-VIO Serial 973

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

Details: (S) The referenced electronic communication (EC) from
the [Redacted] Division [Redacted], dated 09/12/2005, requested
that OGC review the facts of the captioned matter and determine
whether it warrants reporting to the IOB. In our opinion, it
does not. Our analysis follows.

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(S) As indicated in the referenced EC, [Redacted]
[Redacted] opened a [Redacted]

~~SECRET~~

OGC/DOJ INVEST: [Redacted] DATE: 12/12/05
FBI INVEST: [Redacted] OIG/DOJ INVEST: [Redacted]
OPR UC INITIALS: [Redacted]

~~SECRET~~

(S) To: [redacted] From: Office of the General Counsel
Re: (U) 278-HQ-C1229736-VIO, 11/09/2005

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(S) [redacted] The [redacted] was extended once and was set to expire [redacted]. Pursuant to Section II.C.4 of the Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG), [redacted] needed approval from FBI Headquarters (FBIHQ) to extend the [redacted] the case agent drafted an EC requesting the [redacted] extension. The EC explicitly stated "Electronic communication uploaded into ACS only. No hard copy to follow."

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(S) ~~(S)~~ The EC was actually uploaded into ACS on [redacted] days after the [redacted] expired. However, CD-2C, the substantive unit at FBIHQ responsible for the case, did not receive a hard copy of the request, and it, therefore, went unaddressed. [redacted] the case agent assigned to the case after the [redacted] extension was requested determined that FBIHQ had failed to respond to the lead set by [redacted] regarding the [redacted] extension request. This case agent, therefore, contacted FBIHQ and was granted a verbal extension, followed by written authorization, [redacted]. Another [redacted] extension was granted [redacted].

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(S) [redacted] months before the [redacted] expired, [redacted] sent an National Security Letter (NSL) to [redacted] requesting toll records. [redacted] did not provide [redacted] with the NSL results until 05/05/2005, [redacted] after the [redacted] expired. The NSL results contained no toll records only billing information, because of the target's specific service plan. Because there was no reportable information, there was no analysis and nothing further was done with the NSL results.

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(S) ~~(U)~~ Other than the receipt of the billing information from [redacted] took no other action on this case from the time the [redacted] expired [redacted] until the extension was granted from Headquarters on [redacted].

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A "United States person" is defined in Section 101(i) of the Foreign Intelligence Surveillance Act (FISA), 50 U.S.C. § 1801, et seq., 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 fo the Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG) (2003).

~~SECRET~~

~~SECRET~~

To: [redacted] From: Office of the General Counsel
Re: (U) 278-HQ-C1229736-VIO, 11/09/2005

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(U) Section 2.4 of Executive Order (E.O.) 12863, dated 09/13/1993, mandates that Inspectors General and General Counsels of the Intelligence Community components (in the FBI, the Assistant Director, INSD, and the General Counsel, OGC, respectively) report to the IOB "concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive." By longstanding agreement between the FBI and the IOB (and its predecessor, the PIOB), this language has been interpreted to mandate the reporting of any violation of a provision of the Attorney General Guidelines for National Security Investigations and Foreign Intelligence Collection (NSIG) or other guidelines or regulations approved by the Attorney General in accordance with E.O. 12333, dated 12/04/1981, if such provision was designed in full or in part to ensure the protection of the individual rights of U.S. persons. Violations of provisions that are essentially administrative in nature need not be reported to the IOB. The FBI is required, however, to maintain records of such administrative violations so that the Counsel to the IOB may review them upon request.

(U) ~~(S)~~ In this instance, as a consequence of a delayed response on the part of a communications carrier, [redacted] received the results of an NSL after the [redacted] had expired.
(S) However, [redacted] took no affirmative steps to analyze the information or use it to further the investigation in any way. Therefore, no investigative activity took place subsequent to the expiration of the [redacted]. As soon as [redacted] realized that its request for a [redacted] extension was not addressed by Headquarters,
(S) [redacted] took all necessary steps to get the appropriate extension before conducting any investigative activity. Thus, we perceive no error reportable to the IOB.

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~~SECRET~~

~~SECRET~~

To: [redacted] From: Office of the General Counsel
Re: (U) 278-HQ-C1229736-VIO, 11/09/2005

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LEAD(s):

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Set Lead 1: (Info)

[redacted]

AT

[redacted]

(U) Read and clear.

Set Lead 2: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) Read and clear.

Set Lead 3: (Info)

INSPECTION

AT WASHINGTON, DC

(U) Read and clear.

CC: Ms. Thomas

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[redacted]

IOB Library

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~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 12/15/2005

To: General Counsel

Attn: NSLB

From: Inspection

Internal Investigations Section, IPU, Room 11102

Contact: CRS [redacted] Ext. [redacted]

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Approved By: Figliuzzi C Fran [redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-19-2007 BY 65179/DMH/KSF/RW

Drafted By: [redacted]

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

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 1490
OGC/IOB# 2005 [redacted]

b2

Synopsis: (U) To report a potential Intelligence Oversight Board (IOB) matter to the Office of General Counsel, National Security Law Branch (NSLB).

(U) **Reference:** ~~(S)~~ 278-HQ-C1229736-VIO Serial 973 ✓
278-HQ-C1229736-VIO Serial 1045 ✓

Details: (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 9/12/2005, reporting a possible IOB error. Based upon a review of the referenced EC, it is the IIS's opinion the incidents described therein are administrative in nature. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 12/15/2005

To: [redacted]

Attn: SAC (Personal Attention)

From: Inspection

Internal Investigations Section, IPU, Room 11102

Contact: CRS [redacted] Ext. [redacted]

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Approved By: Figliuzzi C Frank

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-19-2007 BY 65179/DMH/KSP/RW

Drafted By: [redacted]

✓ **Case ID #:** (U) 263-HQ-0-U (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 1490
OGC/IOB# 2005 [redacted]

b2

Synopsis: (U) To advise the captioned reporting of potential Intelligence Oversight Board (IOB) violation has been reviewed by the Internal Investigations Section (IIS), and is not considered willful misconduct. This incident is remanded back to the field for whatever action deemed necessary and appropriate. Case closed at IIS.

Enclosure(s): (U) EC from [redacted] dated 09/12/2005

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Reference: (U) 278-HQ-C1229736-VIO Serial 973
278-HQ-C1229736-VIO Serial 1045

Details: (U) Upon review of [redacted] Division's captioned report of a potential IOB violation, it is IIS's opinion the incident is not indicative of willful misconduct. IIS only actively pursues investigations where deliberate and/or aggravated misconduct is evident, and accordingly, this case is closed at IIS.

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(U) IIS recognizes and appreciates that this matter was brought to our attention as required by the revisions mandated by National Security Law Branch/OGC EC, dated 03/18/2005 (319X-HQ-A1487720 serial 6).

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~~SECRET/ORCON/NOFORN~~

FEDERAL BUREAU OF INVESTIGATION

#1292

Precedence: ROUTINE

Date: 09/18/2005

To: INSD

Attn: IIS

General Counsel

Attn: [Redacted]

NSLB

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

From: [Redacted]

RA

Contact: SA [Redacted]

Approved By: [Redacted]

DATE: 06-19-2007
CLASSIFIED BY 65179/DMM/RSR/RE
REASON: 1.4 (c,d)
DECLASSIFY ON: 06-19-2032

Drafted By: [Redacted]

Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO (Pending) 1014
(S) [Redacted] (Pending)

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Title: (S) [Redacted]

Synopsis: ~~(S)~~ To advise FBIHQ of facts that could conceivably be reportable to the IOB. The [Redacted] Division sent a NSL requesting telephone toll records for two telephone numbers that had an association with the subject of a [Redacted] specifically, that one number was obtained from a [Redacted] search of subject and that the other number was listed as the subject's residence [Redacted] Because the case agent only wanted to request subscriber information for the two numbers, but the person actually preparing the NSL drafted it to request both subscriber information and toll records for the two numbers, FBIHQ has requested [Redacted] to provide the facts surrounding this incident to FBIHQ to determine whether there is a reportable IOB violation.

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(U)

~~(S)~~

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

~~SECRET/ORCON/NOFORN~~

SC



[Handwritten signature]
12/12/05

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263-O.U.-359

NSL VIO-18208

CRS

(U) To: [redacted] From: [redacted] [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO (Pending) (S)
08/18/2005

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(S) ~~(U)~~ [redacted] set to [redacted]
[redacted]

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Administrative: (S/NF/OC) This matter is related to [redacted]
[redacted]

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(S/NF/OC) All FBI activities in support of [redacted]
[redacted]

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Enclosure(s): (S) [redacted]
[redacted]

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Details: (S/NF/OC) [redacted]
[redacted]

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(S)

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To: [redacted] From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO (Pending) (S) [redacted]
08/18/2005

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[Large redacted block]

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(S) Database checks on 05/24/2004, by the [redacted] Division at the [redacted] Resident Agency (RA), found that

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(S)

[redacted]

(S)

During the initial database checks, two additional possible telephone numbers for [redacted] were found. One of the

(S)

(S)

[redacted]

(U)

~~(S)~~ In the [redacted] Division, Special Agents are given the option to request that an NSL needed for their investigation be drafted by a [redacted] Headquarters City employee who has a high degree of expertise in drafting them. On 07/20/2004, a Special Agent in the [redacted] RA, submitted a National Security Letter (NSL) request to [redacted] Headquarters City (HQ), which included the following:

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(U) To: [redacted] From: [redacted]
Re: (S) 278-HQ-C1229736-VIO (Pending) (S) [redacted]
08/18/2005

- (S) [redacted] (Telephone): Toll records for [redacted] for the time period [redacted]
- (S) [redacted] (Telephone): Subscriber information for telephone number [redacted]
- (S) [redacted] toll records for the time period from [redacted]
- (S) [redacted] (Telephone): Determine [redacted]
- (S) [redacted] toll records for that period.

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(U) ~~(S)~~ The NSL was drafted by the employee at [redacted] Headquarters City. On 11/05/2004, the NSL to [redacted] was issued out of [redacted] HQ with the following verbiage: "provide to the Federal Bureau of Investigation the names, addresses, lengths of service, and local and long distance toll billing records for the telephone numbers listed: [redacted] from [redacted] from [redacted]

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(U) ~~(S)~~ The NSL was presented to [redacted] by [redacted] on 01/18/2005, and results were obtained on 02/23/2005. Due to the verbiage of the NSL as it was drafted by [redacted] Headquarters City, subscriber and toll records for the telephone numbers [redacted] were returned to the FBI, even though these records were not specifically requested by the case agent. The subscriber to these records was not [redacted]

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(U) ~~(S)~~ The original records received from [redacted] were originally placed into the case file as 1A-1, and one copy was made of the records and sent to the [redacted] Field Intelligence Group. These originals and copies are now enclosed with this communication.

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(S) [redacted]

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(U) To: [redacted] From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO (Pending) (S) [redacted]
08/18/2005

(S) [redacted]

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(U) ~~(S)~~ Attached and made a part hereto are copies of the original NSL request, the NSL, and the EC documenting the collection of records from [redacted]. In addition, the original and all copies of toll records provided by [redacted] for telephone numbers [redacted] have been segregated from the file and forwarded to FBIHQ as an enclosure to this communication.

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(S) ~~(S)~~ CDC [redacted] is of the opinion that there was no conduct that was unlawful or contrary to Departmental guidelines in this matter. Pursuant to 18 USC 2709, toll record information can be requested in an NSL if it is relevant to an authorized international terrorism investigation. There was an authorized [redacted] investigation of the subject [redacted] at the time of the NSL request, continuously through the time of the division's receipt of the toll record information.

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(U) ~~(S)~~ The relevance standard is very low and has been articulated as logically connected to and tending to prove or disprove a matter at issue. The requested information, toll records for a phone number [redacted]

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(S) [redacted] listed [redacted] data base search, are clearly logically connected to determining [redacted]

[redacted] While the case agent may have been prudent in only requesting subscriber information for the listed numbers, and the subscriber to the numbers in question was not actually the subject, that does not change the fact that based on the facts known to the Division at the time of the request, the toll records for those numbers were relevant to the [redacted]. Therefore it was not unlawful for the division to send an NSL requesting toll records for [redacted] and this matter is not one that is required to be referred to the IOB.

Additionally, there could be a negative practical effect if NSL requests such as those made in this case were generally prohibited. Often it takes months to obtain records from a service provider pursuant to a NSL request. In this matter

~~SECRET/ORCON/NOFORN~~

(U)

To: [redacted] From: [redacted]
Re: (S) 278-HQ-C1229736-VIO (Pending) (S) [redacted]
08/18/2005

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the case agent made a decision to verify the subscriber information before requesting toll records, however, in any given situation in a terrorism investigation there could be a need for immediate action. The field office should have the discretion to request toll records as well as subscriber information under circumstances such as this, where the numbers are listed in a [redacted] database search of the subject, to avoid an extra delay of as much as six months or more to await the results of a second NSL request.

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(S)

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Finally, in this matter the field office took a prudent approach in that as soon as it appeared the subscriber to the numbers at issue was not the subject of the [redacted] the records were segregated and not reviewed any further. It is possible that there could be information in the toll records that relate to the [redacted] if they were closely examined. It is not inconceivable that [redacted] may have somehow listed the numbers at issue as contact numbers even though he did not subscribe to them.

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(S)

(S)

LEAD(s) :

Set Lead 1: (Info)

INSD

IIS

(U) Read and clear.

~~SECRET/ORCON/NOFORN~~

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~~SECRET~~/ORCON/NOFORN

To: [redacted] From: [redacted]
Re: ~~(S)~~ (U) 3-HQ-C1229736-VIO (Pending) (S) [redacted]
08/18/2005

Set Lead 2: (Info)

GENERAL COUNSEL

AT NSLB

(U) Read and clear.

◆◆

~~SECRET~~/ORCON/NOFORN

7

NSL VIO-18214

~~SECRET/NOFORN~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 11/25/2005

To: [Redacted]

Attn: SAC
CDC

Counterterrorism

Attn: ITOS1/CONUS1/Team 3

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From: Office of General Counsel
National Security Law Branch/LX-1, 5S200
Contact: [Redacted]

Approved By: Thomas Julie F
[Redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Drafted By: [Redacted]

DATE: 06-20-2007
CLASSIFIED BY: 65179/DMH/KSP/RW
REASON: 1.4 (c)
DECLASSIFY ON: 06-20-2032

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(U) b7A
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Case ID #: ~~(S)~~ 278-HQ-C1229735-VIO (Pending) 1057
(S) [Redacted] (Pending)

Title: ~~(S)~~ REPORT OF POTENTIAL INTELLIGENCE
OVERSIGHT BOARD (IOB) MATTER (IOB) 2006- [Redacted]

Synopsis: (U) It is the opinion of the Office of General Counsel (OGC) that the above referenced matter is not a violation and need not be reported to either the Intelligence Oversight Board (IOB) or the FBI's Inspection Division.

(U)
(U)

~~(S) Derived From : G-3
Declassify On: 11/25/2030~~

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Reference: ~~(S)~~ 278-HQ-C1229735-VIO Serial 1014
(S) [Redacted]

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

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Details: (S) [Redacted] the [Redacted] Division initiated a [Redacted] a United States

(S)

~~SECRET/NOFORN~~

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OIG/DOJ Review
FBI INVEST: [Signature]
OPR UC INITIALS: [Signature]
NSL VIO-18215
DATE: 12/21/05
OIG/DOJ INVEST: [Signature]

(U)

To: [redacted] From: Office of General Counsel
Re: ~~(S)~~ 278-HQ-C1229735-VIO, 11/25/2005

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(S)

Person, as that term is used in the Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG or "the Guidelines"),¹

(S)

[redacted]

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(U)

~~(S)~~ [redacted] the case agent requested an employee at [redacted] HQ, who apparently has a particular expertise, to draft a National Security Letter (NSL) to [redacted]. The agent requested only subscriber information for the two numbers, and, only if the subscriber was [redacted] toll records for the requested time period. However, the actual NSL drafted and presented to [redacted] on 11/05/2004 requested both subscriber and toll records for the above-mentioned telephone numbers. On 02/23/2005 [redacted] provided the FBI subscriber and toll records for the two telephone numbers. The telephone numbers did not belong to [redacted].

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(S)

(S)

(U)

~~(S)~~ A "United States person" is defined in section II.W of the Guidelines as "an individual who is . . . [a] United States citizen . . . or . . . a permanent resident alien" This regulatory definition is based on the definition of a "United States person" as that term is used section 101(i) of the Foreign Intelligence Surveillance Act (FISA), 50 U.S.C. § 1801 et seq. The latter states, in pertinent part, that a "United States person" means 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)"

(S)

[redacted]

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~~SECRET/NOFORN~~

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(U) To: [redacted] From: Office of General Counsel
Re: ~~(S)~~ 278-HQ-C1229735-VIO, 11/25/2005

(U) ~~(S)~~ FBI HQ requested that [redacted] provide the facts surrounding this incident to determine whether there is a reportable IOB violation. [redacted] forwarded all original and copies of the toll records in question to OGC. Those records will be delivered to ITOS1/CONUS1/TEAM 3 for proper disposal.

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(U) Section 2.4 of Executive Order (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 "concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive." This language was adopted verbatim from E.O. 12334, dated 12/04/1981, when the IOB was known as the President's Intelligence Oversight Board (PIOB). By longstanding agreement between the FBI and the IOB (and its predecessor, the PIOB), this language has been interpreted to mandate the reporting of any violation of a provision of the FCIG, or other guidelines or regulations approved by the Attorney General, in accordance with E.O. 12333, dated 12/04/1981, if such provision was designed in full or in part to ensure the protection of the individual rights of a U.S. person. Violations of provisions that are essentially administrative in nature need not be reported to the IOB. The FBI is required, however, to maintain records of such administrative violations so that the Counsel to the IOB may review them upon request.

(U) ~~(S)~~ In the present case, there is no violation. A valid [redacted] was authorized and extended pursuant to NSIG Part II.C. The initial database checks on the subject's telephone number revealed two possible additional telephone numbers subscribed to [redacted]. The NSL is an authorized technique to be used in a [redacted] investigations. See NSIG Part II.C.3. The legal standard in issuing a NSL is that the information sought need only be "relevant to an authorized investigation to protect against international terrorism. . ." 18 U.S.C. Section 2709(b)(1). The NSL in this case was properly issued to [redacted]. That the received toll records revealed that the telephone numbers did not belong to the subject does not make the request a violation, but rather an elimination of an investigatory lead. Likewise, it is of little or no consequence that the case agent only requested subscriber information instead of the toll records which were eventually received. Pursuant to the statute the FBI is entitled to both types of information. As such, it is our opinion that this matter need not be reported to

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~~SECRET/NOFORN~~

~~SECRET/NOFORN~~

(U) To: [redacted] From: Office of General Counsel
Re: ~~(S)~~ 278-HQ-C1229735-VIO, 11/25/2005

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the IOB. Consistent with our prior opinions, a record of this decision should be maintained in the control file for future review by Counsel to the IOB.

~~SECRET/NOFORN~~

~~SECRET/NOFORN~~

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To: [redacted] From: Office of General Counsel
Re: (S) 278-HQ-C1229735-VIO, 11/25/2005

(U)

LEAD(s):

Set Lead 1: (Action)

[redacted]
AT [redacted]

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b7E

(U)

(S) For appropriate action

Set Lead 2: (Action)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) Ensure all toll records, original and copies, are properly disposed.

- 1 - Ms. Thomas
- 1 - [redacted]
- 1 - [redacted]
- 1 - IOB File

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~~SECRET/NOFORN~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 12/23/2005

To: General Counsel

Attn: NSLB

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

From: Inspection

Internal Investigations Section, IPU, Room 11102

Contact: CRS [redacted] Ext. [redacted]

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Approved By: Figliuzzi C Fran [redacted]

DATE: 06-20-2007
CLASSIFIED BY: 65179/DNH/KSR/RW
REASON: 1.4 (c)
DECLASSIFY ON: 06-20-2032

Drafted By: [redacted]

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

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 1292
OGC/IOB# 2006-[redacted]

b2

Synopsis: (U) To report a potential Intelligence Oversight Board (IOB) matter to the Office of General Counsel, National Security Law Branch (NSLB).

(U)

~~(S) Derived From: G-3
Declassify On: X1~~

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Reference: (U) 278-HQ-C1229736-VIO Serial 1014
(S) [redacted]

Details: (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 9/18/2005, reporting a possible IOB error. Based upon a review of the referenced EC, it is the IIS's opinion the incident described therein is indicative of a performance issue. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 12/23/2005

To: [redacted]

Attn: SAC (Personal Attention)

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From: Inspection

Internal Investigations Section, IPU, Room 11865

Contact: CRS [redacted] Ext. [redacted]

Approved By: Figliuzzi C Frank

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Drafted By: [redacted]

Case ID #: (U) 263-HQ-0-U (Pending)

DATE: 06-20-2007
CLASSIFIED BY: 65179/DMH/KSR/RW
REASON: 1.4 (c)
DECLASSIFY ON: 06-20-2032

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 1292
OGC/IOB# 2006-[redacted]

b2

Synopsis: (U) To advise that the captioned reporting of potential Intelligence Oversight Board (IOB) violation has been reviewed by the Internal Investigations Section (IIS), and is not considered willful misconduct. This incident is remanded back to the field for whatever action deemed necessary and appropriate. Case closed at IIS.

(U)

~~(S)~~
~~Derived From : G-3~~
~~Declassify On: X1~~

Enclosure(s): (U) EC from [redacted] to Inspection, General Counsel and [redacted] dated 09/18/2005.

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Reference: (U) 278-HQ-C1229736-VIO Serial 1014
(S) [redacted]

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Details: (U) Upon review of [redacted] Division's captioned report of a potential IOB violation, it is IIS's opinion that the incident is not indicative of willful misconduct. IIS only actively pursues investigations where deliberate and/or aggravated misconduct is evident, and accordingly, this case is closed at IIS.

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(U) IIS does, however, suggest this incident be potentially considered a possible performance related issue with respect to the employee and respective supervisor, and relegates any future action relative to this incident to the discretion of the [redacted] Division. IIS recognizes and appreciates that this matter was brought to our attention as required by the revisions

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To: [redacted] From: Inspection
Re: 263-0-U - 359, 12/23/2005

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mandated by National Security Law Branch/OGC EC, dated 03/18/2005
(319X-HQ-A1487720 serial 6).

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~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION # 1298

Precedence: ROUTINE

Date: 05/20/2005

To: Inspection ✓
Office of General Counsel

Attn: Internal Investigations
Section
National Security Law Branch

From: [Redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Contact: SA [Redacted]

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Approved By: [Redacted]

DATE: 06-20-2007
CLASSIFIED BY: 65179/DHL/KSR/RM
REASON: 1.4 (c)
DECLASSIFY ON: 06-20-2032

Drafted By: [Redacted]

Case ID #: (U) 278-HQ-C1229736-VIO (Pending) - 848

Title: (U) POTENTIAL IOB MATTER
SA [Redacted] (Case Agent)
SA [Redacted] (Case Agent)
A/SSA [Redacted] (Acting SSA)

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Synopsis: (U) To report potential Intelligence Oversight Board matter.

(U)

~~(S) Derived From: G-3
Declassify On: X1~~

(U) Details: (S) The potential IOB matter occurred between 05/14/2005 and 05/19/2005 as part of the following substantive

[Redacted] cases:

(S) [Redacted] Non-USPER); b1
(S) [Redacted] b2
(S) [Redacted] b6
(S) [Redacted] (Non-USPER); b7A
(S) [Redacted] b7C
[Redacted] b7E

[Redacted]

See 12/22/05

~~SECRET~~

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UC [Redacted] *12/17/05*
CRS [Redacted]

263-0-4-360
NSL VIO-18223

To: Inspection From: [redacted]
Re: (U) 278-HQ-C1229736-VIO, 05/20/2005

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(S) [redacted]

[redacted]

(S) [redacted]

(S)

[redacted]

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minimize all monitoring of this line to the extent that the targets could be positively identified. The LS continued to monitor the [redacted] during which time no conversations were logged, indexed, or otherwise memorialized [redacted] informed CA's [redacted] and [redacted] that several additional conversations had been monitored, none of which matched the captioned [redacted]

(S)

(U)

(S) On 05/19/2005, upon further notification from the LS that the above [redacted] number did not indicate that it belonged to either of the captioned targets. Agent [redacted] advised the LS to immediately discontinue [redacted]

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Agent [redacted] received written confirmation from [redacted] technical agents that the [redacted] had been taken down and that all digital collection that had occurred on this number was being purged [redacted] and placed onto [redacted] disc, for follow-on destruction by appropriate protocol.

(S)

(S)

(U)

(S) Case Agents [redacted] and [redacted] immediately investigated the potential IOB violation and determined the following had occurred:

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(S) On [redacted] a reliable [redacted] source of continuing value, indicated the captioned target [redacted]

(S)

[redacted] Additionally,

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To: Inspection From: [redacted]
Re: (U) 278-HQ-C1229736-VIO, 05/20/2005

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(S) [redacted]

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(S) [redacted]

(S) [redacted] informed Agent [redacted] that they had received a call from

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(S) [redacted]

(U) (S) [redacted] case Agents [redacted] and [redacted] submitted [redacted] form for renewal [redacted]

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on the captioned targets. In this renewal request, the telephone number [redacted] was noted as not being requested for renewal due to the fact that it had been disconnected by the target. However it was requested that all [redacted] telephone numbers associated with [redacted]

(S) [redacted]

(S) [redacted]

(S) [redacted]

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(S) (S) Agents [redacted] and [redacted] determined that the problem resulted from an error in which the number [redacted] was incorrectly reported [redacted]

(S) [redacted] a difference of two digits. [redacted] a National Security Letter to [redacted] for telephone number [redacted]

(S) [redacted] was returned to the FBI that indicated telephone number [redacted] was included as one of the numbers on the [redacted]

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(S) [redacted] indicated that telephone number [redacted]

(S) [redacted] Agents [redacted] and [redacted] had no facts to indicate that the telephone number [redacted] was incorrect and inadvertently transposed with [redacted] Agents [redacted] and [redacted] are actively reviewing all telephone numbers associated with these cases in order to avoid any potential IOB violations in the future.

~~SECRET~~

To: Inspection From:
Re: (U) 278-HQ-C1229736-VIO, 05/20/2005

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~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 11/21/2005

To: [Redacted]

Attn: A/SSA [Redacted]

SA [Redacted]
SA [Redacted]

Inspection
Counterintelligence

Attn: Internal Inspections Section

Attn: CD-2A

SSA [Redacted]

Office of
Professional Responsibility

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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From: Office of the General Counsel
National Security Law Branch, Room 7947

Contact: [Redacted]

Approved By: Julie F. Thomas

DATE: 06-20-2007
CLASSIFIED BY: 65178/DNH/KSP/RW
REASON: 1.4 (c)
DECLASSIFY ON: 06-20-2032

Drafted By: [Redacted]

1068

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

(U) Title: (S) A/SSA [Redacted]
SA [Redacted]
SA [Redacted]
INTELLIGENCE OVERSIGHT BOARD
MATTER 2005-[Redacted]

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Synopsis: (U) It is the opinion of the Office of General Counsel (OGC) that this matter must be reported to the Intelligence Oversight Board (IOB) and the Office of Professional Responsibility (OPR), FBIHQ. However, A/SSA [Redacted]

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[Redacted] SA [Redacted] and SA [Redacted] did not solely cause wireless communication surveillance on a cell phone number that was not subscribed to by the target. Instead, the coverage was also caused by faulty drafting of [Redacted] Request by [Redacted] and inaccurate review of [Redacted] by SSA [Redacted] CD-2A, Headquarters, Federal Bureau of Investigation (FBI HQ). The OGC will prepare and deliver the necessary correspondence to the IOB.

(U)

~~(S) Derived From : G-3
Declassify On: X1~~

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SECRET

OIG/DOJ Review: [Redacted] DATE: 12/21/05
FBI INVEST: [Redacted] OIG/DOJ INVEST: [Redacted]
OPR UC INITIALS: [Redacted]

~~SECRET~~

To: [redacted] From: Office of the General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 11/21/2005

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Reference: ~~(S)~~ 278-HQ-C1229736-VIO Serial 848

Administrative: (U) This electronic communication (EC) contains footnotes. To read the footnotes, download and print this communication in Word Perfect 8.

Details: (S) As reported by the [redacted] Division [redacted] in Reference A, the following events occurred in FBI [redacted] investigations [redacted]. The subjects of these investigations are [redacted] respectively. [redacted]

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(S) [redacted] (S) [redacted] [redacted] (LS) [redacted] did not recognize [redacted] as that of either subject. Consequently, the LS immediately notified SA [redacted]

(S) At that time SA [redacted] instructed the LS to minimize all monitoring of [redacted] to the extent that either of the targets could be positively identified. SA [redacted] also advised the LS that [redacted]

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(S) For approximately [redacted] days the LS continued to monitor [redacted]. During that time period no conversations were logged, indexed or otherwise memorialized by the LS.

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(S) Additional information was obtained from the initial request [redacted] coverage of the targets [redacted] and the renewal request [redacted] telephone conversations with SA [redacted]

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(S) [redacted]

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~~SECRET~~

(C) To: [redacted] From: Office of the General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 11/21/2005

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(U) ~~(S)~~ [redacted] informed SA [redacted] and SA [redacted] that [redacted] that none [redacted] matched [redacted] Agent [redacted] then directed the LS to immediately cease monitoring and collecting on [redacted] [redacted] (S) [redacted] SA [redacted] received written confirmation from [redacted] that collection on [redacted] (S) was down, and that all digital collection that occurred was being purged [redacted] and placed [redacted] [redacted] disc for destruction as appropriate.

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(U) ~~(S)~~ Immediately thereafter SAs [redacted] and [redacted] investigated this possible IOB and determined, among other things, that:

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(1) (S) [redacted]

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(2) (S) [redacted] Initial Order).

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(3) (S) [redacted] SA [redacted] was notified by [redacted] that [redacted] advised that [redacted] was disconnected by the target [redacted] Based on this SA [redacted] stated that, "[t]herefore, [redacted] never collected or monitored this number [redacted]

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(S) 3 [redacted]

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(S) 4 [redacted]

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(S)

(U) To: [redacted] From: Office of the General Counsel
Re: ~~(S)~~ 278-HQ-CI229736-VIO, 11/21/2005

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(U) (4) ~~(S)~~ [redacted] SAs [redacted] and [redacted] submitted a renewal request [redacted]. The renewal request submitted [redacted] did not request renewal authority for [redacted]. Particularly, [redacted] stated that [redacted] informed [redacted].

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(S) [redacted] (Emphasis added.) However [redacted] both of which were written by [redacted].

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(S) [redacted] asked for authority [redacted]. Nonetheless, both case agents and the FBI HQ SSA failed to question [redacted] erroneous request for coverage of [redacted].

(S) (5) (S) [redacted]

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(S) The error as referred to in Reference A is overcollection on [redacted]. This error was caused by: (1) faulty drafting [redacted] by SA's [redacted] and [redacted]; and (3) inadequate review of [redacted] by SSA [redacted]. The OGC will prepare and deliver the necessary correspondence to the IOB.

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(S) [redacted]

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~~SECRET~~

(U) To: [redacted] From: Office of the General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 11/21/2005

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b7E

LEAD(s):

Set Lead 1: (Action)

[redacted]

AT [redacted]

(U) Read and clear.

b2
b7E

Set Lead 2: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For review and action deemed appropriate.

Set Lead 3: (Action)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) Read and clear.

Set Lead 4: (Action)

OFFICE OF PROFESSIONAL RESPONSIBILITY

AT WASHINGTON, DC

(U) For review and action deemed appropriate.

CC: 1 - Ms. Thomas
1 - SSA [redacted]
1 - [redacted]
1 - IOB File

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~~SECRET~~

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~~SECRET~~

November 21, 2005

BY COURIER

Mr. James Langdon
Chairman,
Intelligence Oversight Board
New Executive Office Building - Room 5020
725 17th Street, N.W.
Washington, D.C.

DECLASSIFIED BY 65179/DMH/KSR/RJ
ON 06-20-2007

Dear Mr Langdon:

This letter forwards for your information a self-explanatory enclosure entitled "Intelligence Oversight Board Matter, Counterintelligence Division, Federal Bureau of Investigation Headquarters, IOB Matter 2005- (U) b2

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

Enclosure

1 - Ms. Thomas b6
1 - b7C
1 - 278-HQ-C1229736-VIO - 1069

**UNCLASSIFIED WHEN DETACHED
FROM CLASSIFIED ENCLOSURE**

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

~~SECRET~~

NSL VIO-18232

~~SECRET~~

Mr. James Langdon

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 E. Thomas
Deputy General Counsel

1 - The Honorable Antonio R. Gonzalez
Attorney General
U.S. Department of Justice
Room 5111

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

~~SECRET~~

NSL VIO-18233

~~SECRET~~

Mr. James Langdon

DATE: 06-20-2007
CLASSIFIED BY 65179/DMH/KSP/RW
REASON: 1.4 (c,d)
DECLASSIFY ON: 06-20-2032

INTELLIGENCE OVERSIGHT BOARD MATTER
COUNTERINTELLIGENCE DIVISION
FEDERAL BUREAU OF INVESTIGATION HEADQUARTERS
IOB MATTER 2005-[redacted]

b2

(S) ~~(S)~~ As reported by the [redacted] Division [redacted]
[redacted] in its electronic communication (EC), 278-HQ-C1229736-
VIO Serial 848, the following events occurred in FBI [redacted]
[redacted] investigations [redacted] The
subjects of these investigations are [redacted]
respectively. Both are [redacted]

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(S) [redacted]
(S) [redacted] (Renewal Order) [redacted]
[redacted]

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(S) Pursuant to [redacted]
[redacted] did not recognize [redacted] as that of
either subject. Consequently, [redacted] immediately notified SA [redacted]

(C) [redacted]
[redacted] At that time SA [redacted] instructed the LS to minimize
[redacted] to the extent that either of the
targets could be positively identified. SA [redacted] also advised
the LS that the Renewal Order authorized collection on [redacted]

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(S) [redacted]
(S) ~~(S)~~ For approximately the [redacted] days [redacted]
continued to monitor [redacted] During that time period no [redacted]

(S) ¹ Additional information was obtained from the initial request [redacted]
[redacted]
[redacted]
[redacted]

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(S) ² [redacted]
[redacted]

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~~SECRET~~

~~SECRET~~

Mr. James Langdon

(U) conversations were logged, indexed or otherwise memorialized by the LS.

(S) [redacted] informed SA [redacted] and SA [redacted] that none of [redacted] matched [redacted]

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(S) Agent [redacted] then directed [redacted] to immediately cease monitoring and collecting on [redacted]

(S) SA [redacted] received written confirmation from [redacted] that collection on [redacted]

(S) [redacted] was being purged [redacted] and placed on [redacted] disc for destruction as appropriate.

(U) ~~(S)~~ Immediately thereafter SAs [redacted] and [redacted] investigated this possible IOB and determined, among other things, that:

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(1) (S) [redacted]

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(2) (S) [redacted] (Initial Order)."

(S) (2) ~~(S)~~ SA [redacted] was notified by [redacted] that [redacted] advised that [redacted] was disconnected by the target [redacted]. Based on this SA [redacted] stated that, "[t]herefore, [redacted] never collected or monitored this number [redacted]

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(4) ~~(S)~~ SAs [redacted] and [redacted]

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(S) 3 [redacted]

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(S) 4 [redacted]

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~~SECRET~~

(S)

~~SECRET~~

Mr. James Langdon

(S) submitted [redacted] request submitted [redacted] did not request [redacted]

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[redacted] particularly, [redacted]

(S) [redacted]

[redacted] nor is it requested further." (Emphasis added.) However [redacted] Request, [redacted] both of which were written by [redacted]

[redacted] asked for [redacted]

(S) [redacted] Nonetheless, both case agents and the FBI HQ SSA failed to question [redacted] erroneous request for coverage of [redacted]

(S) (S) [redacted]

[redacted]

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(S) ~~(S)~~ The error as referred to in the EC is overcollection on [redacted] This error was caused by: (1) faulty drafting [redacted]

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[redacted] (2) inadequate review [redacted] by SA's [redacted] and [redacted] and (3) inadequate review of [redacted]

[redacted] by SSA [redacted] The OGC will prepare and deliver the necessary correspondence to the IOB.

(S)

[redacted]

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 12/23/2005

To: General Counsel

Attn: NSLB

From: Inspection

Internal Investigations Section, IPU, Room 11102

Contact: CRS [redacted] Ext. [redacted]

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Approved By: Figliuzzi C Frank [redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-30-2007 BY 65179/DMH/KSR/RW

Drafted By: [redacted]

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

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 1298
OGC/IOB# 2005 [redacted]

b2

Synopsis: (U) To report a potential Intelligence Oversight Board (IOB) matter to the Office of General Counsel, National Security Law Branch (NSLB).

Reference: (U) 278-HQ-C1229736-VIO Serial 848
278-HQ-C1229736-VIO Serial 1068

Details: (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 5/20/2005, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the incident described therein is an administrative error in the source reporting the target telephone number. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

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~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 12/23/2005

To: [redacted]

Attn: SAC (Personal Attention)

From: Inspection

Internal Investigations Section, IPU, Room 11102

Contact: CRS [redacted] Ext. [redacted]

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b7E

Approved By: Figliuzzi C Fran [redacted]

DECLASSIFIED BY: 65179/RMH/KSR/PW
ON: 05-20-2007

Drafted By: [redacted]

✓ **Case ID #:** (U) 263-HQ-0-U - 360 (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 1298
OGC/IOB# 2005-[redacted]

b2

Synopsis: (U) To advise that the captioned reporting of potential Intelligence Oversight Board (IOB) violation has been reviewed by the Internal Investigations Section (IIS), and is not considered willful misconduct. This incident is remanded back to the field for whatever action deemed necessary and appropriate. Case closed at IIS.

(U)

~~(S) Derived From : G-3
Declassify On: X1~~

Enclosure(s): (U) EC from [redacted] to Inspection and General Counsel, dated 05/20/2005.

b2
b7E

Reference: (U) 278-HQ-C1229736-VIO Serial 848 ✓
278-HQ-C1229736-VIO Serial 1068

Details: (U) Upon review of [redacted] Division's captioned report of a potential IOB violation, it is IIS's opinion that the incident is not indicative of willful misconduct. IIS only actively pursues investigations where deliberate and/or aggravated misconduct is evident, and accordingly, this case is closed at IIS.

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(U) IIS recognizes and appreciates that this matter was brought to our attention as required by the revisions mandated by National Security Law Branch/OGC EC, dated 03/18/2005 (319X-HQ-A1487720 serial 6).

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Unclassified when separated from enclosure.

~~SECRET~~