EXHIBIT A

Plaintiff’s Partial Opposition to Defendant’s Motion for Summary Judgment and Plaintiff’s Cross-Motion for Partial Summary Judgment

*Electronic Frontier Foundation v. Dep’t of Justice*, C.A. No. 07-0656 (JDB)
Case 1:07-cv-00656-JDB   Document 42-1    Filed 01/28/10   Page 2 of 7

SECRET

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE                         Date: 05/28/2003

To:    Director's Office  Attn: Robert J. Jordan,  
       General Counsel       OPR, Rm. 7129

       Kenneth L. Wainstein, 
       National Security Law Unit
       Rm. 7975

From: Inspection

Inspection Management Unit/Room 7837

Contact: 

Approved By: 

Drafted By: 

(U) Case ID #: (278-HQ-1425173) (Pending)

(U) Title: SSA

CI DIVISION

IOB MATTER 2003

(U) RESTRICTED DOCUMENT - DISSEMINATE TO PERSON(S) WITH ROLE

Synopsis: Request of the Office of the General Counsel (OGC) to review the facts of a possible Intelligence Oversight Board (IOB) violation.

(U) Derived From: G-3

Declassify On: XI

Reference: (U) 278-HQ-C1229736-VIO-90

(U) Details: OGC is requested to review the facts of a possible IOB violation: Exceeding the authorized scope of an otherwise permitted activity.

(U) The title of the substantive investigation in which the questionable activity occurred and the investigative program:

Title: 

(U) File number

SECRET

JUN 2003

OPR/ADMIN UNIT

NSL VIO-1
Precedence: ROUTINE

To: b2

Atttn: ASAC PCI/Administrative CDC

Attn: CD-3A

Attn: Office of Professional Responsibility

From: General Counsel National Security Law Branch/AGlsec

Contact:

Approved by: Curran John F

Drafted By:

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

Title: INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER 2004

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

Reference: 278-HQ-C1229736-VIO Serial 350

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

Details: By electronic communication (EC) dated January 20, 2004 (cited below), the Privacy Division reported a possible IOB error in conjunction with its ongoing counterintelligence investigation.

Case ID: 278-HQ-C1229736-VIO

Serial: 379
As soon as the error was realized, this matter was forwarded to FBI Headquarters for submission to the Office of Intelligence Policy and Review (OIPR), Department of Justice, and the FISC for destruction. This material was also sequestered and submitted to OIPR and the FISC for destruction.

(U) This matter has been reported to the FBI's Office of Professional Responsibility for appropriate action.
ALL INFORMATION CONTAINED HERIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

SECRET

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

To:   

Attn: SSA

Counterintelligence
Inspection

Attn: CD-2C, SSA

Attn: IIS, CRS

From: Office of the General Counsel
NSLB/CILU/Room 7247

Contact: AGC

Approved By: Thomas Julie F

Drafted By: 

Case ID #: 278-HQ-C1229736-VIO - 1382 (Pending)

Title: INTELLIGENCE OVERSIGHT BOARD MATTER 2006

Synopsis: 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). Rather, it should be maintained in the control file for periodic review by Counsel to the IOB. Our analysis follows.

Administrative: This electronic communication (EC) contains information from the following documents: (1) a copy of the National Security Letter (NSL) dated 12/07/2005; (2) a copy of the EC dated 12/07/2005 forwarding the NSL to Field Division to be served on the carrier; (3) a copy of the EC dated 12/21/2005 delivering the results of the NSL to Field Office 02/10/2006 from matter.

Reference: Derived From: G-3
Declassify On: 25X1
FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

To: General Counsel

Attn: NSLB

From: Inspection

Internal Investigations Section, TPU Room 3041

Contact: CRS

Approved By: Miller David

Drafted By:

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

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 2030
OGC/IOB# 2006

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 1261
278-HQ-C1229736-VIO Serial 1382

Details: (U) The Internal Investigations Section (IIS) received an EC from Division dated 02/10/2006, 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.

**NSLVIO-712**
Precedence: ROUTINE

To: Counterterrorism

Attn: ITOS IT/CONUS IT

UC

SSR

IA

Attn: CDC

Attn: ISS

From: Office of General Counsel

OGC/NSLB/CTLU I/3S-100

Contact: UC

Approved By: Thomas Julie [Signature]

Drafted By: [Signature]

Case ID #: 278-HQ-C1229736-VIO [Pending]

Title: INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER 2006

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

Reference: 278-HQ-C1229736-VIO Serial 1283

Details: By electronic communication (EC) dated April 3, 2006, the Field Office [Redacted] reported to the Inspection Division and the Office of General Counsel (OGC) this potential IOB matter.

OIG/DOJ REVIEW

FBI INVESTIGATION

OIG/DOJ INVESTIGATION:

DATE: 06/29/2006

SECRET/ORG/OFO/NORFON

NSL VIO-723