

Out of scope



To: "D (Intelligence) Grannis" <[redacted]@ssci.senate.gov>, "Ken Wainstein" <kenneth.wainstein@usdoj.gov>
From: [redacted]
Date: 12/17/2007 09:54PM
cc: [redacted]
Subject: Re: TSP memos

Thanks david. Very helpful.

b2/b6

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

From: "Grannis, D (Intelligence)" [redacted]@ssci.senate.gov]
Sent: 12/17/2007 07:46 PM EST
To: "Benjamin Powell" [redacted]; <kenneth.wainstein@usdoj.gov>
Cc: [redacted]
Subject: TSP memos

Messrs. Powell and Wainstein -

It may be obsolete now, given that we are postponing action on FISA until January, but the SSCI security director will be faxing to you both tomorrow the long and short version of the TSP memos that Senator Feinstein referenced (and read from) at today's meeting with the AG.

Best,

David

David Grannis

Professional Staff Member

10/17/2008

62/06

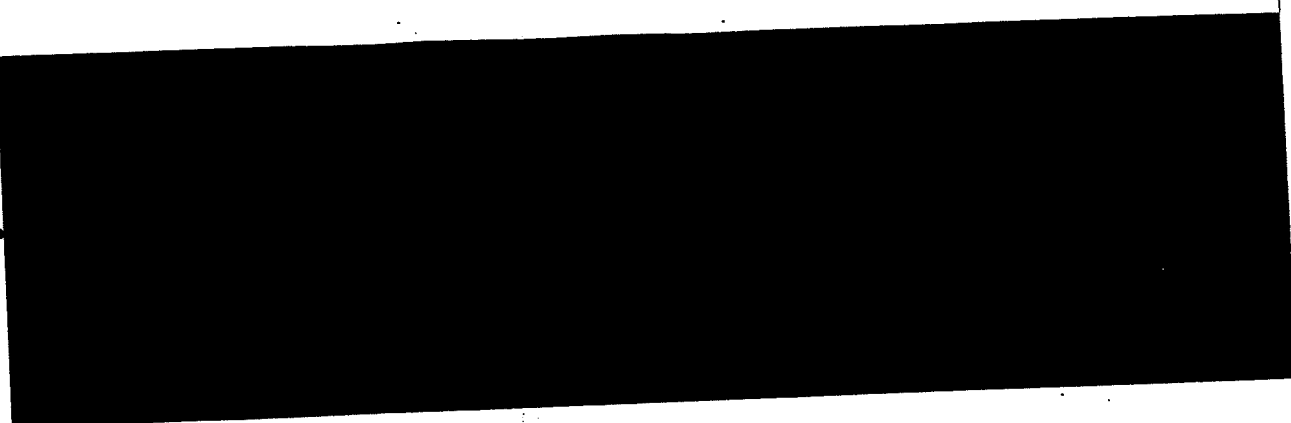
Senate Select Committee on Intelligence

[REDACTED]

[REDACTED]@ssci.senate.gov

Out of Scope

ba/bc



To: "D (Intelligence) Grannis" <[redacted]@ssci.senate.gov>
From: [redacted]
Date: 07/27/2007 01:02AM
Subject: FW:

David- text attached as discussed. Also sent to andy j. And mike D.

Ben

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

From: "Ben Powell" [redacted]
Sent: 07/27/2007 12:59 AM AST
To: [redacted]

The FISA mod file contains text that does the following:

- 1) Adds one paragraph to the existing statute making clear that FISA does not cover surveillance directed at a person overseas.
- 2) Provides a means of compelling assistance from communications providers.
- 3) Effective date and providing for transition of any currently existing FISA orders. If this is short-term fix with a sunset, would suggest adding the sunset date to this clause.

The additional provision file contains text that addresses a concern raised in past discussions about "reverse targeting". The text provides that the primary purpose of acquiring communications of a non-US person overseas cannot be to acquire the communications of a person in the US (unless a FISA order is obtained of course).

The second concern raised by some has been issues about "mass targeting" and interpretation of the phrase "particular, known" in our full proposal. There is not a need to address this issue in this surgical fix as the existing definitions of electronic surv under FISA remain the same domestically, with only a carve out for activity directed overseas. [And, for the record, we do not agree that our proposal allowed such alleged mass targeting (or reverse targeting), but in any event, no need to address the issue in the attached approach]

I would note the time of night that I am sending up this text -- The FISA technical experts are going to need to think through this text and I would not be surprised if we would have additional adjustments to make to ensure the text accomplishes what I think is our common goal. Obviously, this represents a late night email and not a fully coordinated proposal (or one that has even been seen/approved by DNI), but time is short.

Ben

10/17/2008

Out of scope

b2/b6



To: "Mike Davidson" <[redacted]@ssci.senate.gov>
From: [redacted]
Date: 05/19/2008 06:26PM
cc: [redacted]
Subject: Re: Title II/FISC/AO

thanks Mike. Will check and get back to you.

-----"Davidson, M (Intelligence)" <[redacted]@ssci.senate.gov> wrote: -----

To: "Ben Powell" [redacted], <Carl.Nichols@usdoj.gov>, "Demers, John (NSD)" <John.Demers@usdoj.gov>, [redacted] <[redacted]@ssci.senate.gov>
From: "Davidson, M (Intelligence)" <[redacted]@ssci.senate.gov>
Date: 05/19/2008 06:16PM
cc: "Livingston, J (Intelligence)" <[redacted]@ssci.senate.gov>, "DeRosa, Mary (Judiciary-Dem)" <[redacted]@Judiciary-dem.senate.gov>, "Rossi, Nick (Judiciary-Rep)" <[redacted]@judiciary-rep.senate.gov>, "Healey, C (Intelligence)" <[redacted]@ssci.senate.gov>, [redacted] <[redacted]@mail.house.gov>, [redacted] <[redacted]@mail.house.gov>, [redacted] <[redacted]@mail.house.gov>, [redacted] <[redacted]@mail.house.gov>, [redacted] <[redacted]@mail.house.gov>, [redacted] <[redacted]@ao.uscourts.gov>, "Espinel, Zulima (Judiciary-Dem)" <[redacted]@Judiciary-dem.senate.gov>, "Solomon, Matthew (Judiciary-Dem)" <[redacted]@Judiciary-dem.senate.gov>, "Rice, K (Intelligence)" <[redacted]@ssci.senate.gov>
Subject: Title II/FISC/AO

Ben, Carl, and John:

As you probably know, the Administrative Office has been requested to review the proposal to grant exclusive jurisdiction to the FISC to review immunity certifications under section 202 and hear any challenges to the validity or application of section 202.

Lou DeBaca has arranged for the use of 2148 Rayburn (House Judiciary), at 10:30 am tomorrow (Tuesday), to hear back from the AO. Lou is awaiting confirmation from [redacted] of the AO.

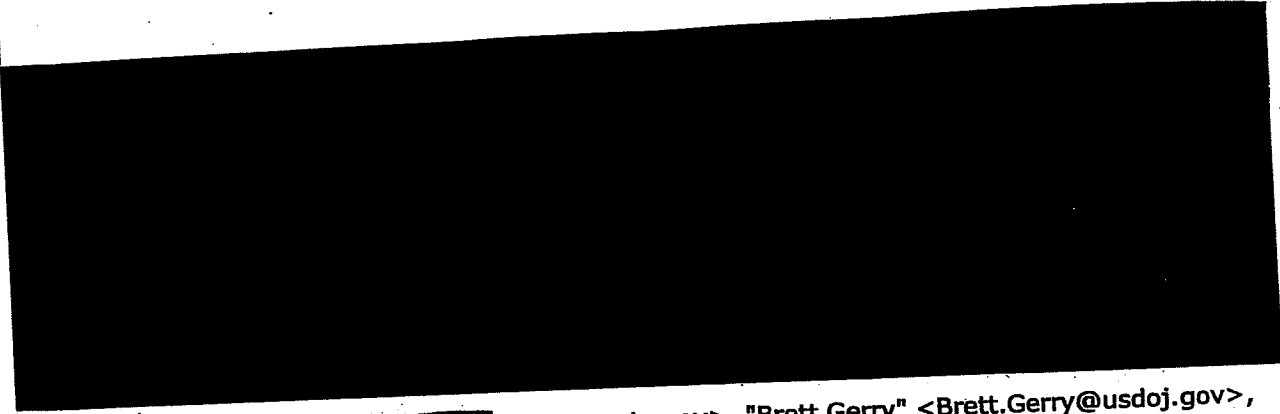
The interest is in getting everyone in the same room: House and Senate Intelligence and Judiciary, both parties, ODNI and DOJ, and the AO.

Hope you can join.

Mike

10/17/2008

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bx/ss



To: "Jack Livingston" <[redacted]@ssci.senate.gov>, "Brett Gerry" <Brett.Gerry@usdoj.gov>, "John Eisenberg" <John.Eisenberg@usdoj.gov>, [redacted], "John Demers" <John.Demers@usdoj.gov>
From: [redacted]
Date: 10/09/2007 11:29AM
Subject: Re: new drafts

Got it.

----- Original Message -----
From: "Livingston, J (Intelligence)" [redacted]@ssci.senate.gov]
Sent: 10/09/2007 10:03 AM AST
To: [redacted]
Subject: RE: new drafts

Please take a stab at a definition if you all can. I think it may be the best solution and/or the best compromise. I would think we should be able to come up with something that is flexible enough to cover new technologies short of telepathy. Thanks.

From: Ben Powell [redacted]
Sent: Monday, October 08, 2007 12:15 PM
To: Davidson, M (Intelligence)
Cc: Brett.Gerry@usdoj.gov; john.eisenberg@usdoj.gov; Livingston, J (Intelligence); Rice, K (Intelligence); Starzak, Alissa (Intelligence); Healey, C (Intelligence); carl.nichols@usdoj.gov
Subject: Re: new drafts

Mike -- If I read it right, I agree that we will need the #1 transition procedure as you suggest and it is important. I want to look more at #2 and #3.

We got together last night and discussed a couple of issues. We are very concerned about creating a new definition of "communications". One concern is that we will miss something and then place a future President/Congress back into a TSP-like world -- and perhaps over a technical issue. For example, suppose there is some new communication tech that people overseas are using and we are able to get great intel from it. But for some reason it doesn't fit the definition

10/17/2008

b/c we didn't get it right. But then there is a fear that modifying it through Congress will be the subject of speculation and people will figure out (probably pretty easily) "oh, they know want to get [insert new tech here -- I don't know, make up something -- combined HDTV, Internet, VOIP, video teleconferencing via laser, quantum remote computing]". Also, we fear creating a new cottage industry at DOJ/OIPR where everything is delayed while everyone checks each new data piece to see if it fits the definition of communication, when the real focus should be the target.

We also worry that we will need to make the definitions so broad, that it will raise the "scary hypotheticals" problem and therefore we will still need to put in explicit limitations (as we would do anyways with the current PAA) such as "Act does not authorize opening mail, searching homes of Americans, etc."

In any event, no need to debate it via email, but just some things we are looking deeply at and will want to sit down and discuss with you/Chris/Jack/Kathleen/Alissa this week.

Davidson, M (Intelligence) wrote:

Sunday multi-tasking -- Redskins and FISA.

(1) The PAA's transition procedures includes:

"The Government also may file new applications, and the court established under section 103(a) of the Foreign Intelligence Surveillance Act ... shall enter orders granting such applications ... as long as the application meets the requirements set forth under the provisions of such Act as in effect on the day before the effective date of this Act."

It could turn out to be a useful, indeed necessary provision, if for example a question arises about the scope or constitutionality of the PAA (or its successor). In place of "as in effect on the day before the effective date of this Act," we could substitute "as in effect on the day before the effective date of the Protect America Act."

(2) The necessity of the "clarification" or "limitation" on the definition of electronic surveillance remains unclear. Why isn't the affirmative grant of collection authority sufficient? In our report how do we complete this sentence: "The redefinition of electronic surveillance is required because _____."

(3) But if we do include it, can we deal with the impact of the redefinition on the various places that the term electronic surveillance appears -- sections 102, 106, 109, 110, 301(5), by limiting the redefinition as follows: "Nothing in the definition of electronic surveillance under section 101(f), as applied to sections 104 and 105, shall be construed ..."

Happy Columbus Day to all.

Mike

Sent from my BlackBerry Wireless Handheld

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

From: Ben Powell

To: Davidson, M (Intelligence)

Cc: Gerry, Brett (OLP) <Brett.Gerry@usdoj.gov>; john.eisenberg@usdoj.gov

<john.eisenberg@usdoj.gov>; Livingston, J (Intelligence); Rice, K (Intelligence); Starzak, Alissa (Intelligence); Healey, C (Intelligence); carl.nichols@usdoj.gov <carl.nichols@usdoj.gov>

Sent: Fri Oct 05 17:58:54 2007

Subject: Re: new drafts

10/17/2008

62/66

Thanks Mike. We will take a look and we can give you more detail in secure spaces about the current practice. Will have to check on schedule with Brett.

Davidson, M (Intelligence) wrote:

Ben, Brett, and John:

I wanted to flag for your attention a paragraph that we added, in the draft sent earlier today, to the section on Directives – paragraph (2), on page 5, line 2-3.

It provides that each directive shall contain a list of specific targets.

The paragraph reflects a suggestion we received here that it would help allay the driftnet concern if it were clear that directives addressed specific targets.

But, in including it, I realize that we don't know whether the practice now is for directives to include specific selectors, and hence whether a provision such as the one proposed would be consistent with current practice or a departure from it.

When you do send your comments, your observations about this paragraph would be appreciated.

Looking at next week, perhaps we should pick a time for a discussion that will go through every matter that should be discussed, and not end until we have done that.

How about starting Wednesday morning?

Mike

From: Healey, C (Intelligence)
Sent: Friday, October 05, 2007 11:29 AM
To: 'Ben Powell'; Gerry, Brett (OLP); 'john.eisenberg@usdoj.gov'
Cc: Davidson, M (Intelligence); Livingston, J (Intelligence); Rice, K (Intelligence); Starzak, Alissa (Intelligence)

10/17/2008

Subject: new drafts

b2/b6

Christine Healey

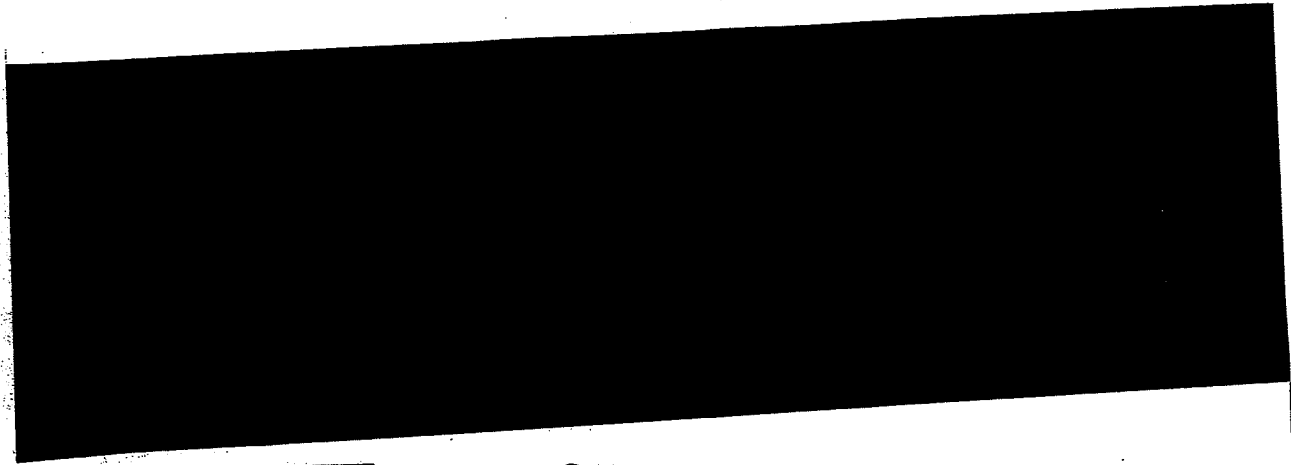
Senate Select Committee on Intelligence

[REDACTED]

[REDACTED]@ssci.senate.gov

10/17/2008

5/2/66 Out of Scope



To: "L Tucker" <[REDACTED]@SSCI.Senate.Gov>
 From: [REDACTED]
 Date: 06/06/2008 04:04PM
 cc: "Joel Kaplan" <Joel_D._Kaplan@who.eop.gov>, "Daniel Meyer" <Daniel_P._Meyer@who.eop.gov>, "Harold Kim" <Harold_H._Kim@who.eop.gov>, "Christopher Frech" <Christopher_W._Frech@who.eop.gov>, "John Demers" <John.Demers@usdoj.gov>, [REDACTED]
 Subject: Re: FISA Revised Summary

I am available.

-----"Tucker, L (Intelligence)" <[REDACTED]@SSCI.Senate.Gov> wrote: -----

To: "Kaplan, Joel" <Joel_D._Kaplan@who.eop.gov>, "Meyer, Daniel P." <Daniel_P._Meyer@who.eop.gov>, <Harold_H._Kim@who.eop.gov>, "Frech, Christopher W." <Christopher_W._Frech@who.eop.gov>, "Demers, John" <John.Demers@usdoj.gov>, [REDACTED]
 From: "Tucker, L (Intelligence)" <[REDACTED]@SSCI.Senate.Gov>
 Date: 06/06/2008 03:45PM
 Subject: FISA Revised Summary of Dem Offer

We went through their language and edited/corrected their summary sheet so we would have a succinct list of all their changes for discussion purposes amongst Republicans (see attached). If we missed something let us know. Hoyer has been trying to reach Bond and they may talk today (but Kit will not be responding to anything in their language in particular at this time). Republican key staff for the following members (Boehner, Blunt, Smith, Hoekstra, McConnell, Bond, Specter) will be on a conference call at 2pm on Monday to discuss (going through the attached summary as a discussion format) and we'd like the Admin to join in (WH-DNI-DOJ). Let me know if you can participate.

Louis Tucker

Republican Staff Director

Senate Select Committee on Intelligence

202-224-1700

b2/b6

[Redacted]

From: [Redacted]
To: "Mike Davidson" [Redacted]@ssci.senate.gov>
cc: [Redacted]@mail.house.gov>, "Jeremy Bash"
[Redacted]@mail.house.gov>, "Christine Healey"
[Redacted]@ssci.senate.gov>, [Redacted]

Date: Friday, May 09, 2008 08:25AM
Subject: Re: FISA

Checking. Wrapping up an emergency this morning and will get back to you as soon as possible.

-----"Davidson, M (Intelligence)" [Redacted]@ssci.senate.gov> wrote: -----

To: [Redacted]
From: "Davidson, M (Intelligence)" [Redacted]@ssci.senate.gov>
Date: 05/09/2008 08:12AM
cc: [Redacted]@mail.house.gov>, [Redacted]@mail.house.gov>, "Healey, C (Intelligence)" [Redacted]@ssci.senate.gov>
Subject: FISA

Ben,

Following up further on Senator Rockefeller's discussion with the DNI of the importance of our sitting down with you to discuss the couple of House requests that could get us to the finish line, Jeremy, Mariah, Chris and I can do that this afternoon.

Given that it is a very short list, I'm sure that we could cover the necessary ground in an hour. Hoping that this afternoon works for you, what time would be convenient?

Mariah -- would a room be available in the Majority Leader's office?

Mike

Sent from my BlackBerry Wireless Handheld

b2/b4

[Redacted]

From: [Redacted]
To: "Mike Davidson" [Redacted]@ssci.senate.gov>
bcc: [Redacted]

Date: Thursday, March 27, 2008 03:14PM
Subject: Re: FISA

Yes, will try and call this afternoon. out of office in some meetings now.

----- Original Message -----
From: "Davidson, M (Intelligence)" [Redacted]@ssci.senate.gov]
Sent: 03/27/2008 11:08 AM AST
To: [Redacted]
Subject: FISA

Ben,

As I recall, you'll be away next week.

Let's connect by phone today, for an update about when FISA discussions can begin.

Mike

b2/b4

From: "Demers, John" <John.Demers@usdoj.gov>
 To: [redacted]@ssci.senate.gov>, [redacted] "Eisenberg, John"
 cc: <John.Eisenberg@usdoj.gov>, "Nichols, Carl (CIV)" <Carl.Nichols@usdoj.gov>,
 [redacted]@ssci.senate.gov>,
 [redacted]@ssci.senate.gov>,
 [redacted]@Judiciary-dem.senate.gov>,
 [redacted]@judiciary-rep.senate.gov>,
 [redacted]@Judiciary-dem.senate.gov>,
 [redacted]@Judiciary-dem.senate.gov>,
 [redacted]@ssci.senate.gov>,
 [redacted]@ssci.senate.gov>, [redacted]@mail.house.gov>,

Date: Tuesday, April 15, 2008 06:20PM
 Subject: Re: FISA, Monday, April 21, 1 pm

That would work for me.
 Thanks,
 John

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

From: Davidson, M (Intelligence) [redacted]@ssci.senate.gov>
 To: [redacted] Eisenberg, John; Nichols, Carl (CIV);
 Cc: Demers, John; [redacted]
 Vito Potenza (work) [redacted]
 Livingston, J (Intelligence) [redacted]@ssci.senate.gov>; Rice, K
 (Intelligence) [redacted]@ssci.senate.gov>; DeRosa, Mary (Judiciary-Dem)
 [redacted]@Judiciary-dem.senate.gov>; Rossi, Nick (Judiciary-Rep)
 [redacted]@judiciary-rep.senate.gov>; Espinel, Zulima (Judiciary-Dem)
 (Judiciary-Dem) [redacted]@Judiciary-dem.senate.gov>; Solomon, Matthew
 (Intelligence) [redacted]@ssci.senate.gov>; Starzak, Alissa
 (Intelligence) [redacted]@ssci.senate.gov>; Wyndee Parker
 [redacted]@mail.house.gov>; [redacted]

Sent: Tue Apr 15 17:06:42 2008
 Subject: RE: FISA, Monday, April 21, 1 pm

Monday morning, at 10, in our hearing room, SH-219, works for Wyndee and for us.

From: [redacted]
 Sent: Tuesday, April 15, 2008 4:51 PM
 To: Davidson, M (Intelligence) [redacted] John Eisenberg; Carl
 Cc: Ben Powell; John Demers; [redacted]

b2/b6

Nichols; Vito Potenza (work); [redacted]
Livingston, J (Intelligence); Rice, K (Intelligence); DeRosa, Mary
(Judiciary-Dem); Rossi, Nick (Judiciary-Rep); Espinel, Zulima
(Judiciary-Dem); Solomon, Matthew (Judiciary-Dem); Healey, C
(Intelligence); Starzak, Alissa (Intelligence); Wyndee Parker;

Subject: Re: FISA, Monday, April 21, 1 pm

Mike -- I can't make Monday afternoon between 12-5. I can make a meeting before noon and I am flexible on Tuesday. But unfortunately, I am not able to change my current plans for Monday afternoon.

-----"Davidson, M (Intelligence)" [redacted]@ssci.senate.gov> wrote:

To: [redacted] "Demers, John (NSD)"
<John.Demers@usdoj.gov>,
"Eisenberg, John" <John.Eisenberg@usdoj.gov>,
<Carl.Nichols@usdoj.gov>, "Potenza, Vito"
[redacted]@ssci.senate.gov>, "Rice,
"Livingston, J (Intelligence)"
K (Intelligence)" [redacted]@ssci.senate.gov>, "DeRosa, Mary
(Judiciary-Dem)" [redacted]@Judiciary-dem.senate.gov>, "Rossi, Nick
(Judiciary-Rep)" [redacted]@Judiciary-rep.senate.gov>, "Espinel,
Zulima (Judiciary-Dem)" [redacted]@Judiciary-dem.senate.gov>,
"Solomon, Matthew (Judiciary-Dem)"
[redacted]@Judiciary-dem.senate.gov>
From: "Davidson, M (Intelligence)" [redacted]@ssci.senate.gov>
Date: 04/15/2008 04:15PM
cc: "Healey, C (Intelligence)" [redacted]@ssci.senate.gov>, "Starzak,
Alissa (Intelligence)" [redacted]@ssci.senate.gov>,
[redacted]@mail.house.gov>
Subject: FISA, Monday, April 21, 1 pm

Ben, John D., [redacted], Jack, Kathleen, Mary, Nick, Zulima, and Matt:

Further to our discussion this past Friday, HPSCI has offered to host the initial bipartisan, bicameral, ODNI/DOJ/NSA discussion on the Senate amendment, the House amendment, and all ideas that may advance our common goal of producing a FISA bill that will pass both Houses and gain the President's signature.

Wyndee will send out invitations on the House side. Invitations to Senator Reid's and Senator McConnell's staff will also be sent.

b2/b6

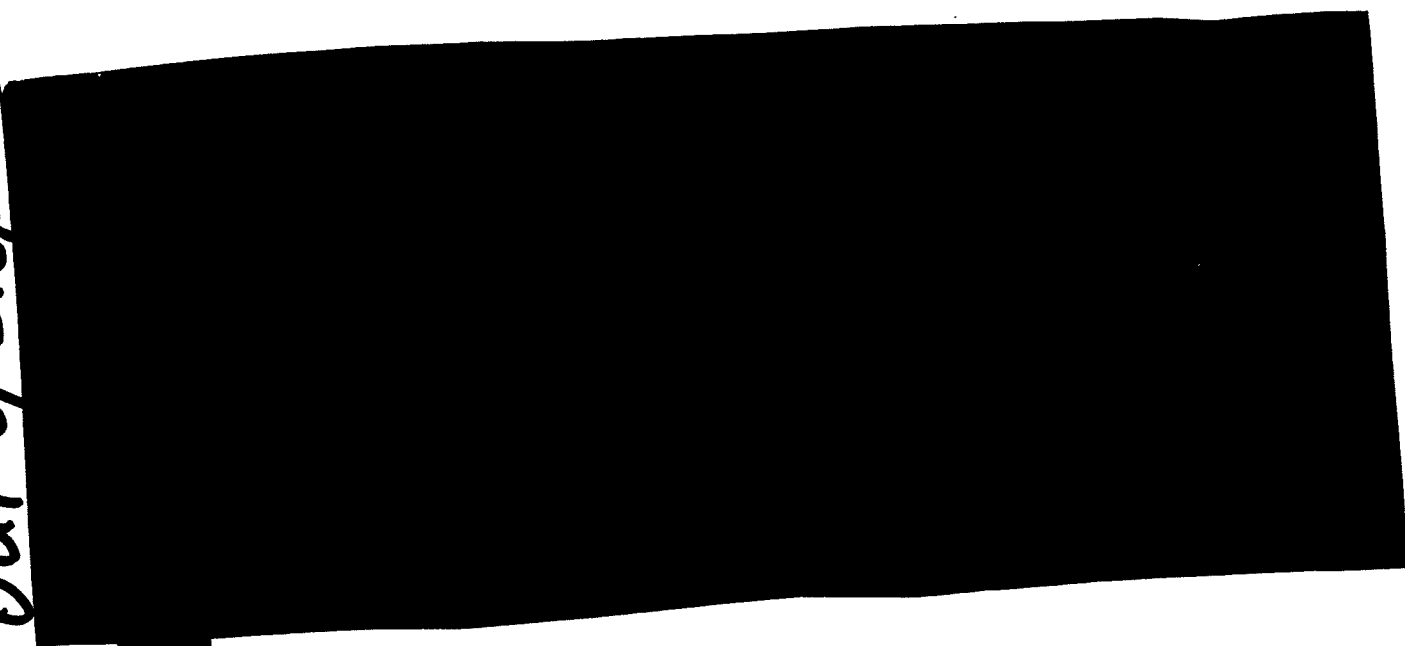
Would Monday, April 21, 1 pm, H-405, work for all?

It would also be good if we penciled in a second time next week, perhaps Friday afternoon, for a continuation of the Monday discussion, so that by the end of the week we all had a fairly good idea of how close or far we are.

Mike

Out of Scope

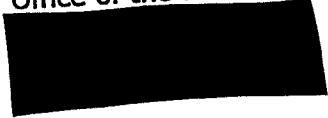
b2/b6



From: [redacted]
Sent: Tuesday, January 15, 2008 10:16 AM
To: "Marcel Lettre"
Cc: [redacted]@reid.senate.gov
Subject: RE: FISA Next Steps

Marcel: Ben and I will see you at 1230 today.

Kathleen Turner
Director of Legislative Affairs
Office of the Director of National Intelligence



-----"Lettre, Marcel (Reid)" [redacted]@reid.senate.gov> wrote: -----

To: [redacted]
From: "Lettre, Marcel (Reid)" [redacted]@reid.senate.gov>
Date: 01/11/2008 06:35PM
cc: "Weich, Ron (Reid)" [redacted]@reid.senate.gov>
Subject: RE: FISA Next Steps

Kathy - we can do 12:30 here in S-221 of the Capitol. Thanks and see you then. Marcel

From: [redacted]
Sent: Friday, January 11, 2008 6:28 PM
To: Lettre, Marcel (Reid)
Cc: Weich, Ron (Reid)
Subject: RE: FISA Next Steps

Marcel: Yes, we'd like to come over early next week--can we make it later or earlier on Tuesday; anytime from 1230-2:30 or starting at 5 pm. Would either of those work for you both?

62/66

Kathleen Turner
Director of Legislative Affairs
Office of the Director of National Intelligence

[Redacted]

-----"Lettre, Marcel (Reid)" [Redacted]@reid.senate.gov> wrote: -----

To: [Redacted]
From: "Lettre, Marcel (Reid)" [Redacted]@reid.senate.gov>
Date: 01/11/2008 04:47PM
cc: "Weich, Ron (Reid)" [Redacted]@reid.senate.gov>
Subject: RE: FISA Next Steps

Kathy:

Would you (and Ben and any others if you see it as useful) be available to meet early next week with me and Ron to discuss FISA as we gear up for a return to the floor? Tuesday at 4 is a good time for us.

Have a good weekend,

Marcel

From: [Redacted]
Sent: Friday, December 28, 2007 9:44 AM
To: Lettre, Marcel (Reid)
Subject: FISA Next Steps

Hi Marcel: Hope you are getting some downtime now. I wanted to give you our perspective on the current FISA status:
-We are disappointed that the Senate did not complete the FISA bill week before last;
-We feel strongly that the Senate needs to take it back up upon its return. It appears to us that the debate and votes need to occur, the remaining outstanding issues are not ones that we see being addressed via joint language; they are pretty fundamental differences, but there are only a few of them
-We are always happy to meet with staff, but we really need some certainty in our intell operations and the longer this debate goes on, the greater the likelihood that our partner's support wanes potentially resulting in a critical loss of intelligence capability.
-We will get the appropriate Exec Branch folks together to address Leader Reid's letter to the DNI and we'll get back to you on that in January.
Enjoy the New Years holiday Marcel and we'll talk soon.

Kathleen Turner
Director of Legislative Affairs
Office of the Director of National Intelligence

[Redacted]

----- Original Message -----
From: "Lettre, Marcel (Reid)" [Redacted]@reid.senate.gov]
Sent: 12/21/2007 01:33 PM EST
To: [Redacted]

Kathy -

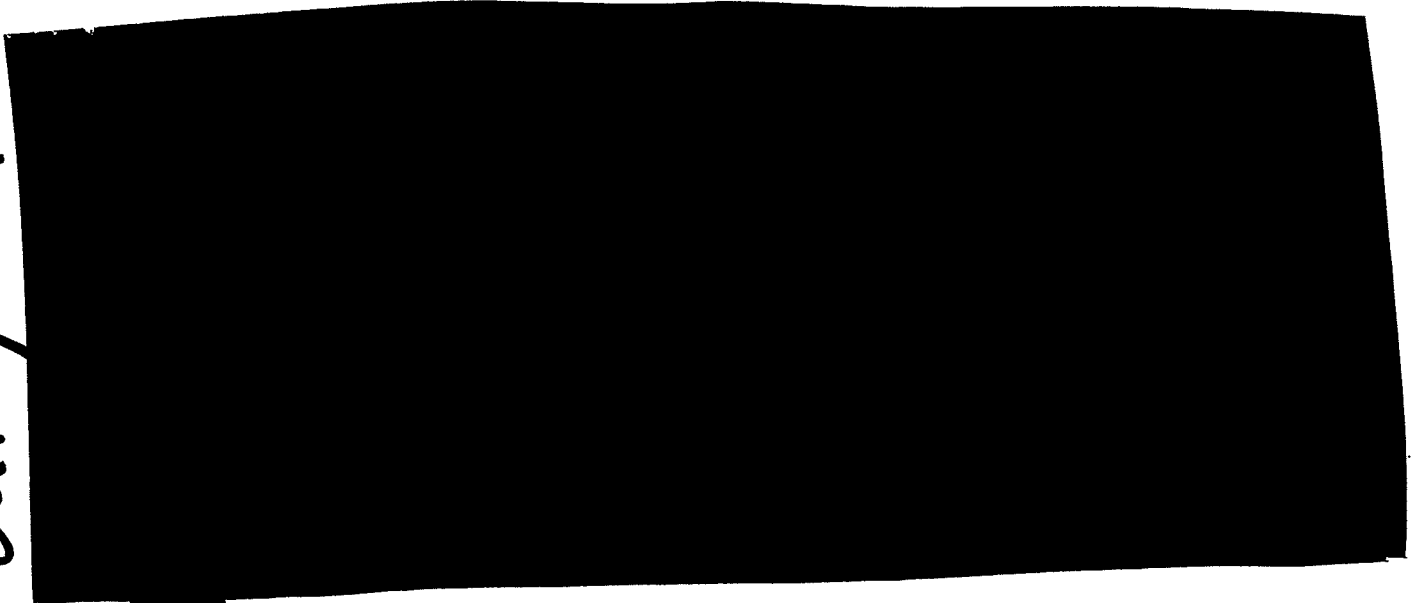
Understand you're out thru the 2nd (good - me too I hope!). Wanted just to check in as we do head into the

holidays to see where you think things stand on your end re: FISA. Staff will be back at work here in early January to keep assessing options about how best to move forward. Think it will make sense to reengage with you and others from ODNI at that time to continue the discussion. Keep in touch in the meantime if you have any updates. Sen Reid is still very much considering the option of an extension of the PAA to allow additional time for thorough deliberation/negotiation on the bill. And can I also assume that there will at some appropriate point be a response to his letter request to expand doc access to other Senators?

Thanks and talk soon,

Marcel

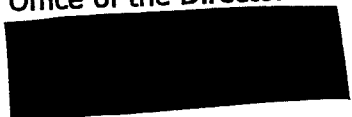
Out of Scope
b2/b6



From: [redacted]
Sent: Friday, November 23, 2007 4:21 PM
To: "Kotlar, Kim"
Cc: [redacted]
Subject: How is 2:30 pm, Thursday, Nov 29?

Kim: Does the time work for you? What room should we come to? Thanks very much.

Kathleen Turner
Director of Legislative Affairs
Office of the Director of National Intelligence



-----"Kotlar, Kim" <[redacted]@mail.house.gov> wrote: -----

To: [redacted]
From: "Kotlar, Kim" <[redacted]@mail.house.gov>
Date: 11/23/2007 01:52PM
Subject: Re: Your Call about FISA

Yes anytime after 1030. Tk, kim

Sent from my BlackBerry Wireless Handheld

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

From: [redacted]
To: Kotlar, Kim
Cc: [redacted]

Sent: Fri Nov 23 12:52:21 2007
Subject: Re: Your Call about FISA

Kim: Our plan would be to have one of our counsels, [redacted] and a DoJ counsel come talk to

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you at the unclassified level. Can we set that for Thursday, Nov 29--what time is good for you?
They can come to your office space. Thanks much Kim.

Kathleen Turner
Director of Legislative Affairs
Office of the Director of National Intelligence

[Redacted]

-----"Kotlar, Kim" [Redacted]@mail.house.gov> wrote: -----

To: [Redacted]
From: "Kotlar, Kim" [Redacted]@mail.house.gov>
Date: 11/21/2007 05:09PM
Subject: Re: Your Call about FISA

Thank you! Wednesday at your convenience would be great!
Kim

Sent from my BlackBerry Wireless Handheld

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

From: [Redacted]
To: Kotlar, Kim
Cc: [Redacted]

Sent: Wed Nov 21 16:06:44 2007
Subject: Re: Your Call about FISA

Hi Kim: I talked with our Counsels and NSA counsel about the step-by-step/diagram of the RESTORE Act and how NSA would implement such an Act. The counsels said they would prefer to meet with you or talk to you on the phone about the impact of the RESTORE Act on NSA operations. I have attached a few additional papers for you that we have prepared that further express our concerns with the Bill. What is your availability mid-late next week to meet with the counsel staff to discuss this? We are tied up Mon and Tues on the Senate FISA Bill which will go to the floor the first week of Dec, but we are free from Weds on. Let me know what works for you. Thanks very much Kim and have a great holiday.

Kathleen Turner
Director of Legislative Affairs
Office of the Director of National Intelligence

[Redacted]

----- [Redacted] wrote: -----

ba/b6

To: [REDACTED]@mail.house.gov
From: [REDACTED]
Date: 11/20/2007 08:22AM
cc: [REDACTED]
Subject: Your Call about FISA

Hi Kim: [REDACTED] asked me to call/email about your questions and Rep. Thornberry's questions regarding the recently House-passed FISA legislation. You are correct that if the House-passed Bill were enacted, it would severely undermine our intelligence efforts. I have attached the Administration's Statement of Policy (SAP) for your background. We would be happy to provide you and/or Rep. Thornberry additional information. Let me know what you need. Many thanks.

Kathleen Turner
Director of Legislative Affairs
Office of the Director of National Intelligence
[REDACTED]

ba/b6

From: [redacted]
To: "Mike Davidson" [redacted]@ssci.senate.gov>

Date: Tuesday, April 15, 2008 06:19PM
Subject: RE: FISA, Monday, April 21, 1 pm

thanks, works for me. but must be back at office by noon.
-----"Davidson, M (Intelligence)" [redacted]@ssci.senate.gov> wrote: -----

To: [redacted]
From: "Davidson, M (Intelligence)" [redacted]@ssci.senate.gov>
Date: 04/15/2008 05:06PM
cc: "John Demers" <John.Demers@usdoj.gov>, [redacted]
[redacted], "John Eisenberg" <John.Eisenberg@usdoj.gov>, "Carl
Nichols" <Carl.Nichols@usdoj.gov>, "Vito Potenza (work)" [redacted]
"Livingston,
J (Intelligence)" [redacted]@ssci.senate.gov>, "Rice, K (Intelligence)"
[redacted]@ssci.senate.gov>, "DeRosa, Mary (Judiciary-Dem)"
[redacted]@Judiciary-dem.senate.gov>, "Rossi, Nick (Judiciary-Rep)"
[redacted]@judiciary-rep.senate.gov>, "Espinel, Zulima (Judiciary-Dem)"
[redacted]@Judiciary-dem.senate.gov>, "Solomon, Matthew (Judiciary-Dem)"
[redacted]@Judiciary-dem.senate.gov>, "Healey, C (Intelligence)"
[redacted]@ssci.senate.gov>, "Starzak, Alissa (Intelligence)"
[redacted]@ssci.senate.gov>, "Wyndee Parker" [redacted]@mail.house.gov>,"

Subject: RE: FISA, Monday, April 21, 1 pm

Monday morning, at 10, in our hearing room, SH-219, works for Wyndee and for us.

From: [redacted]
Sent: Tuesday, April 15, 2008 4:51 PM
To: Davidson, M (Intelligence)
Cc: Ben Powell; John Demers; [redacted] John Eisenberg; Carl Nichols; Vito Potenza (work); [redacted]
[redacted] Livingston, J (Intelligence); Rice, K (Intelligence); DeRosa, Mary
(Judiciary-Dem); Rossi, Nick (Judiciary-Rep); Espinel, Zulima (Judiciary-Dem); Solomon, Matthew
(Judiciary-Dem); Healey, C (Intelligence); Starzak, Alissa (Intelligence); Wyndee Parker; [redacted]
Subject: Re: FISA, Monday, April 21, 1 pm

Mike -- I can't make Monday afternoon between 12-5. I can make a meeting before noon and I am flexible on Tuesday. But unfortunately, I am not able to change my current plans for Monday afternoon.

Ben

b2/b6

-----"Davidson, M (Intelligence)" [redacted]@ssci.senate.gov> wrote: -----

To: "Ben Powell" [redacted], "Demers, John (NSD)" <John.Demers@usdoj.gov>, "Eisenberg, John" <John.Eisenberg@usdoj.gov>, <Carl.Nichols@usdoj.gov>, "Potenza, Vito" [redacted], "Livingston, J (Intelligence)" [redacted]@ssci.senate.gov>, "Rice, K (Intelligence)" [redacted]@ssci.senate.gov>, "DeRosa, Mary (Judiciary-Dem)" [redacted]@Judiciary-dem.senate.gov>, "Rossi, Nick (Judiciary-Rep)" [redacted]@judiciary-rep.senate.gov>, "Espinel, Zulima (Judiciary-Dem)" [redacted]@Judiciary-dem.senate.gov>, "Solomon, Matthew (Judiciary-Dem)" [redacted]@Judiciary-dem.senate.gov>

From: "Davidson, M (Intelligence)" [redacted]@ssci.senate.gov>

Date: 04/15/2008 04:15PM

cc: "Healey, C (Intelligence)" [redacted]@ssci.senate.gov>, "Starzak, Alissa (Intelligence)" [redacted]@ssci.senate.gov>, [redacted]@mail.house.gov>

Subject: FISA, Monday, April 21, 1 pm

Ben, John D., [redacted], Jack, Kathleen, Mary, Nick, Zulima, and Matt:

Further to our discussion this past Friday, HPSCI has offered to host the initial bipartisan, bicameral, ODNI/DOJ/NSA discussion on the Senate amendment, the House amendment, and all ideas that may advance our common goal of producing a FISA bill that will pass both Houses and gain the President's signature.

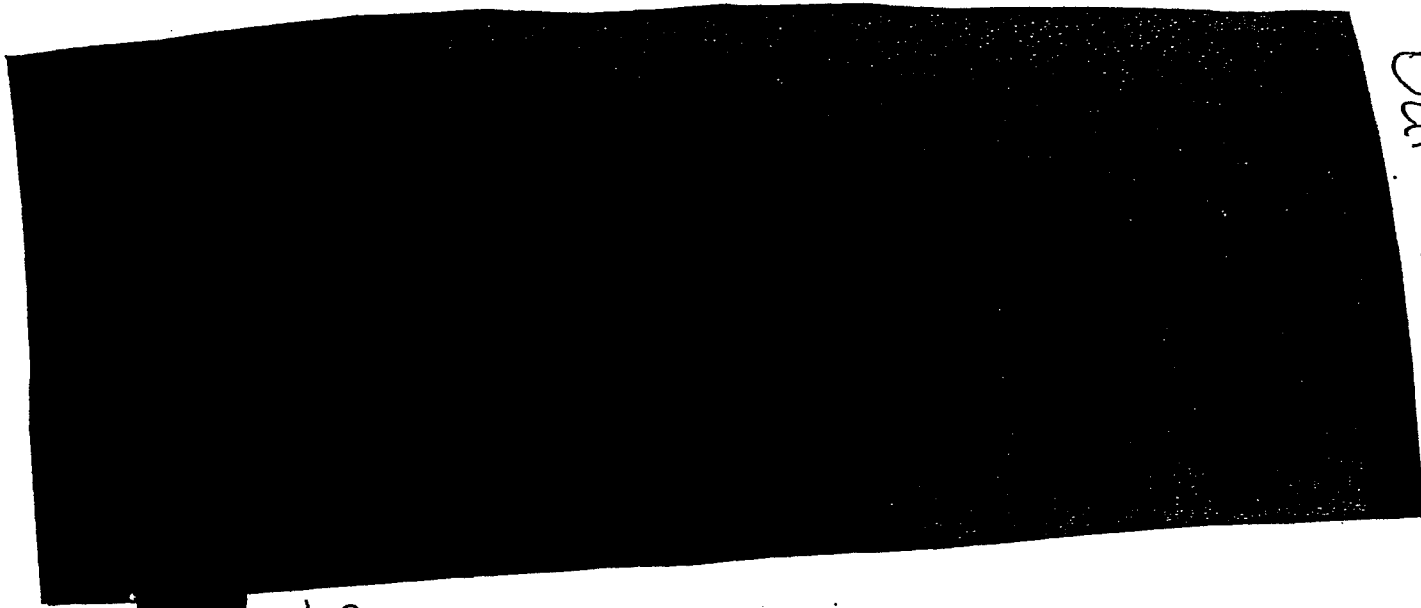
Wyndee will send out invitations on the House side. Invitations to Senator Reid's and Senator McConnell's staff will also be sent.

Would Monday, April 21, 1 pm, H-405, work for all?

It would also be good if we penciled in a second time next week, perhaps Friday afternoon, for a continuation of the Monday discussion, so that by the end of the week we all had a fairly good idea of how close or far we are.

Mike

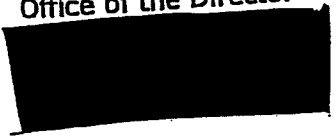
Out of Scope



From: [redacted] ^{b2}
Sent: Wednesday, April 02, 2008 10:56 AM
To: [redacted]@mail.house.gov
Cc: [redacted]@mail.house.gov; [redacted] ^{b6}
Subject: RE: Briefing on telecom cooperation-We can do it

Perfect--4:30 for about an hour. I will get back to you on th attendees on our side and I will get back with HPSCI ref classification level.

Kathleen Turner
Director of Legislative Affairs
Office of the Director of National Intelligence



-----"Eddings, Richard" <[redacted]@mail.house.gov> wrote: -----

To: "Diffell, Brian" ^{b2} [redacted]@mail.house.gov>, [redacted] ^{b6}
From: "Eddings, Richard" ^{b2} [redacted]@mail.house.gov>
Date: 04/02/2008 09:39AM
cc: [redacted] ^{b2}
Subject: RE: Briefing on telecom cooperation-We can do it

We can do 4:30 if that will work for the DNI... I have H-405 reserved and they have asked for a "level"

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

From: Diffell, Brian
Sent: Tuesday, April 01, 2008 7:53 PM
To: [redacted] ^{b2}
Cc: Eddings, Richard; [redacted]
Subject: Re: Briefing on telecom cooperation-We can do it

I'll let richard handle the specific scheduling. We really appreciate the dni's willingness to come up and do this..

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

From: [redacted] b2
To: Diffell, Brian
Cc: Eddings, Richard; [redacted] b2/b6
Sent: Tue Apr 01 19:40:21 2008
Subject: RE: Briefing on telecom cooperation-We can do it

Brian: we can do it. The DNI wants to come do it himself. Is there any chance we could start earlier than 5 pm--the DNI will be up appearing at a Hearing from 1:30 until 3:30; any chance we could do it at 4 pm or even 4:30 pm? We need a SCIFed room for the meeting. The DNI may ask the NSA Director and CIA Director to join him. I will keep you posted.

Kathleen Turner
Director of Legislative Affairs
Office of the Director of National Intelligence

[redacted] b2

-----"Diffell, Brian" <[redacted]@mail.house.gov> wrote: -----

To: [redacted] b2
From: "Diffell, Brian" <[redacted]@mail.house.gov> b6
Date: 04/01/2008 06:38PM
cc: "Eddings, Richard" <[redacted]@mail.house.gov>, [redacted] b2/b6

Subject: RE: Briefing on telecom cooperation

Sooner the better. I'll let Richard propose another time if necessary.

From: [redacted] b2
Sent: Tuesday, April 01, 2008 6:20 PM
To: Diffell, Brian
Cc: Eddings, Richard; [redacted] b6
Subject: Re: Briefing on telecom cooperation

Brian: I am checking--it may not be possible this quickly, but I will get back to you tomorrow. Can we look at dates/times for next week also?

Kathleen Turner
Director of Legislative Affairs
Office of the Director of National Intelligence

[redacted] b2

-----"Diffell, Brian" [REDACTED]@mail.house.gov> wrote:

To: [REDACTED]
From: "Diffell, Brian" [REDACTED]@mail.house.gov
Date: 04/01/2008 12:45PM
cc: "Eddings, Richard" [REDACTED]@mail.house.gov
Subject: Briefing on telecom cooperation.

Kathleen - Per our discussion last week, Mr Blunt's calendar is free this Thursday at 5pm. Sorry for the quick turnaround, do you think you could have your guys come up and talk to him for an hour about the practical implications of not granting this liability protection on both FISA and non-FISA related cooperation?

Brian C. Diffell
Senior Policy Advisor
Office of the Republican Whip
[REDACTED]