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Fax: 202 [redacted]

Feb 22 2006 11:47

P. 01

Exec Sec
for OCA

FACSIMILE

**United States Senate
SELECT COMMITTEE ON INTELLIGENCE**

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11-27-2007 BY 65179 DMH/KSR/JE

TO: ROBERT MUELLER III

FAX #: 324- [redacted] PHONE #: _____

b2

FROM: SENATOR ROCKEFELLER

DATE: 2/22/2006

NUMBER OF PAGES: 3 (including cover page)

COMMENTS: _____

Please contact sender at (202) [redacted] if fax is not complete.

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PAT ROBERTS, KANSAS, CHAIRMAN
 JOHN D. ROCKEFELLER IV, WEST VIRGINIA, VICE CHAIRMAN

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United States Senate

SELECT COMMITTEE ON INTELLIGENCE
WASHINGTON, DC 20540-6475

SSCI #2006-0898

February 17, 2006

BILL FRIST, TENNESSEE, EX OFFICIO
 HARRY REID, NEVADA, EX OFFICIO

BILL GUNNRE, STAFF DIRECTOR AND CHIEF COUNSEL
 ANDREW W. JOHNSON, MINORITY STAFF DIRECTOR
 KATHLEEN P. MCNEE, CHIEF CLERK

The Honorable Robert S. Mueller, III
 Director
 Federal Bureau of Investigation
 935 Pennsylvania Avenue, NW
 Washington D.C., 20535

ALL FBI INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 11-27-2007 BY 65179 DMH/KSR/JB

Dear Director ^{Bob} Mueller:

The ongoing debate over the reauthorization of the USA PATRIOT Act has focused attention on National Security Letters (NSLs) as a tool for intelligence collection. Additionally, press reports last November raised questions about the number of NSLs and the oversight of their use

After the appearance of these press reports, the Senate Select Committee on Intelligence conducted a single off-the-record staff briefing. Your office also provided the Committee with documents to assist in understanding the format of NSLs. I understand the briefing and materials have been helpful to the staff and I thank you for your cooperation. I still have, however, many outstanding questions related to the FBI's use of NSL's and their value to the intelligence process.

Therefore I ask that you provide a written response to the attached questions and information requests. This information will greatly assist me in evaluating the effectiveness of this important intelligence collection tool.

Thank you for your attention to this matter.

Jan
 John D. Rockefeller IV
 Vice Chairman

Attachment

Bob, And a long list of questions as this!
 NSL VIO-28630 *Jan*

Request for Information Related to the National Security Letters

1. The total number of NSLs issued by year and by type for each of the past five years.
2. A statistical breakdown of the types of investigations (counterintelligence, terrorism, or other) for which NSLs have been used.
3. A statistical breakdown of the specific types of records requested.
4. What supporting material is available for review by the Committee to determine if the NSLs have been used in accordance with existing statutes and regulations?
5. What sort of review does the FBI conduct to verify the compliance with the requirement that the investigation of a U.S. person is not based on First Amendment activities? What have the findings of these reviews been?
6. What measures are available to judge the efficacy of the NSL authority and the importance of the records obtained to the intelligence process?
7. When information from an NSL is used in disseminated intelligence, what procedures are in place to minimize any U.S. person data?
8. What are the criteria for sharing information from NSLs with criminal investigators? How often does this sharing take place?
9. Where are records obtained under NSL authority retained and stored? How long are the records retained? When and how are they destroyed?
10. Who has access to these records?
11. Under what circumstances is person specific information obtained using NSLs shared with other agencies?
12. What procedures are in place to prevent unauthorized use or disclosure of information from NSLs?
13. Are there currently any criminal investigations or IG-related inquiries related to the misuse of NSLs?
14. How does the FBI decide to use an NSL rather than another investigative technique, such as a FISA warrant or a request that the record holder voluntarily provide access to particular records?
15. Does the FBI routinely notify NSL recipients that compliance is voluntary? Does it tell them that recipients are permitted to discuss the letter with an attorney? Have there been any instances in which this notice was not provided? How many?
16. How often do the recipients of NSLs decline to comply with them? How often are requests for voluntary access, excluding NSLs, complied with?
17. Does the FBI issue NSLs at the request of other IC elements? Which elements? How often?

From: THOMAS, JULIE F. (OGC) (FBI)
Sent: Thursday, March 22, 2007 9:20 AM
To: [REDACTED] (OGC) (FBI)
Subject: FW: Conyers' 3/20/07 Letter with 13 Qs

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NON-RECORD

Lets discuss tasking this.

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DATE 11-27-2007 BY 65179 DMH/KSR/JE

Julie F. Thomas
DGC, National Security Law Branch
Office of the General Counsel
Room 7975
202-324-[REDACTED]
202-324-[REDACTED] (fax)

b2

[REDACTED]

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

From: CAPRONI, VALERIE E. (OGC) (FBI)
Sent: Wednesday, March 21, 2007 8:17 PM
To: THOMAS, JULIE F. (OGC) (FBI)
Subject: FW: Conyers' 3/20/07 Letter with 13 Qs

UNCLASSIFIED
NON-RECORD

Please task out as appropriate.

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

From: [REDACTED] (OCA) (FBI)
Sent: Wednesday, March 21, 2007 4:01 PM
To: CAPRONI, VALERIE E. (OGC) (FBI)
Cc: BEERS, ELIZABETH RAE (OCA) (FBI)
Subject: Conyers' 3/20/07 Letter with 13 Qs

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Valerie:

Beth indicated that she has spoken to you about Chairman Conyers' 3/20/07 letter asking 13 questions relating to the 3/20/07 NSL hearing. As you know, we will be handling those as QFRs.

I've attached the questions in WordPerfect format so you or your folks can fill in the responses.

I'll rely on you to task these out to your folks as appropriate. When you have answers, please forward them to me for provision to the Committee through the normal QFR process.

Thanks. Let me know if you have questions.

[REDACTED]

Office of Congressional Affairs
JEH Building Room 7252
(Send mail to Room 7240)

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NSL VIO-28639

202-324



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aaCaproni_032007
_OCAResp_03210...

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From: THOMAS, JULIE F. (OGC) (FBI)
Sent: Friday, March 09, 2007 8:59 AM
To: HQ-Div09-NSLB
Subject: FW: Key excerpts

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DATE 11-27-2007 BY 65179 DMH/KSR/JB

Food for thought

Julie F. Thomas
DGC, National Security Law Branch
Office of the General Counsel
Room 7975
202-324- [redacted]
202-324- [redacted] (fax) b2

[redacted]

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

From: [redacted] (DO) (OGA)
Sent: Thursday, March 08, 2007 8:36 PM
To: PISTOLE, JOHN S. (DO) (FBI); CAPRONI, VALERIE E. (OGC) (FBI); MILLER, JOHN J. (OPA) (FBI); KORTAN, MICHAEL P. (OPA) (FBI); BEERS, ELIZABETH RAE (OCA) (FBI); KALISCH, ELENI P. (OCA) (FBI); THOMAS, JULIE F. (OGC) (FBI)
Subject: Key excerpts

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All -- attached is a document worked up by Val's folks with a few additions by me with key quotes



NSL quotes unclass
report.wpd ...

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from the report. The boss will have it in the a.m.

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NSL VIO-28641

From: THOMAS, JULIE F. (OGC) (FBI)
Sent: Wednesday, March 21, 2007 9:31 AM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
[redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
[redacted] (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: FW: NSL Audit - Manner of Rebuttal for matters characterized as Potential IOBs

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DATE 11-27-2007 BY 65179 DMH/KSR/JE

Julie F. Thomas
DGC, National Security Law Branch
Office of the General Counsel
Room 7975
202-324-[redacted]
202-324-[redacted] (fax)

b2

[redacted]

-----Original Message-----
From: [redacted] (INSD) (FBI)
Sent: Wednesday, March 21, 2007 9:17 AM
To: CAPRONI, VALERIE E. (OGC) (FBI)
Cc: THOMAS, JULIE F. (OGC) (FBI)
Subject: RE: NSL Audit - Manner of Rebuttal for matters characterized as Potential IOBs

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You are correct. [redacted]

[redacted]

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-----Original Message-----
From: CAPRONI, VALERIE E. (OGC) (FBI)
Sent: Wednesday, March 21, 2007 8:52 AM
To: [redacted] (INSD) (FBI)
Cc: THOMAS, JULIE F. (OGC) (FBI)
Subject: FW: NSL Audit - Manner of Rebuttal for matters characterized as Potential IOBs

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I thought we had decided that [redacted]

[redacted]
[redacted] Do I have this wrong?

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

-----Original Message-----
From: THOMAS, JULIE F. (OGC) (FBI)
Sent: Tuesday, March 20, 2007 6:58 PM
To: [redacted] (FBI); [redacted] (OGC) (FBI)
Cc: CAPRONI, VALERIE E. (OGC) (FBI)
Subject: RE: NSL Audit - Manner of Rebuttal for matters characterized as Potential IOBs

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NON-RECORD

You can direct your questions to my attention.


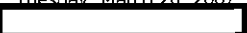
Thanks,

Julie F. Thomas
DGC, National Security Law Branch
Office of the General Counsel
Room 7975
202-324-
202-324- (fax)

b2


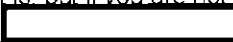


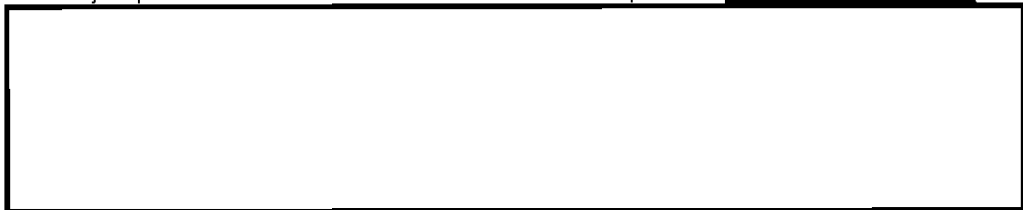
-----Original Message-----

From:  (FBI)
Sent: Tuesday, March 20, 2007 3:35 PM
To:  (OGC) (FBI)
Cc: THOMAS, JULIE F. (OGC) (FBI)
Subject: NSL Audit - Manner of Rebuttal for matters characterized as Potential IOBs
Importance: High

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 I do not know who the OGC point of contact for the audit is, but if you are not
could you please forward this to whoever is as soon as possible. 



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Thank you



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NSL VIO-28643

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From: THOMAS, JULIE F. (OGC) (FBI)
Sent: Wednesday, March 21, 2007 4:33 PM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: FW: Over Collection Question

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DATE 11-27-2007 BY: 65179 DMH/KSR/JB

I don't have a problem with this... do you?

Julie F. Thomas
DGC, National Security Law Branch
Office of the General Counsel
Room 7975
202-324-[redacted]
202-324-[redacted] (fax)

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-----Original Message-----
From: [redacted] (OGC) (FBI)
Sent: Wednesday, March 21, 2007 4:29 PM
To: THOMAS, JULIE F. (OGC) (FBI)
Cc: [redacted] (FBI)
Subject: FW: Over Collection Question

Another question for your consideration on IOB matters [redacted]

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[redacted]

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-----Original Message-----
From: [redacted] (FBI)
Sent: Wednesday, March 21, 2007 3:17 PM
To: [redacted] (OGC) (FBI)
Subject: RE: Over Collection Question

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NON-RECORD

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[redacted]
[redacted] I'll pass on the guidance. [redacted]
[redacted]

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-----Original Message-----
From: [redacted] (OGC) (FBI)
Sent: Wednesday, March 21, 2007 4:13 PM
To: [redacted] (FBI)
Subject: RE: Over Collection Question

Unfortunately, yes.

[redacted] Stay tuned [redacted]

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-----Original Message-----
From: [redacted] (FBI)
Sent: Wednesday, March 21, 2007 2:09 PM
To: [redacted] (OGC) (FBI)
Subject: Over Collection Question

UNCLASSIFIED
NON-RECORD

[redacted] I know you are very busy, but I was asked another question regarding
unintentional over collection today [redacted]

[redacted]

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Thanks.

[redacted]
CDC [redacted]
[redacted]

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

From: THOMAS, JULIE F. (OGC) (FBI)
Sent: Monday, March 26, 2007 12:31 PM
To: [redacted] (INSD) (FBI); [redacted] (INSD) (FBI)
Cc: [redacted] (INSP) (FBI); [redacted] (OGC) (FBI);
[redacted] (OGC) (FBI)
Subject: Guidance to Field on Reporting Results from Inspection

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DATE 11-27-2007 BY 65179 DMH/KSR/JB

Dear [redacted]

We are getting inundated with calls from the field on how to report the results of the NSL review. On Friday, you indicated you were going to send out guidance to the field stating one EC would be used to report those found not to be potential IOBs, one EC to report those previously reported and multiple Ecs to report those the CDC is reporting now as potential IOBs. Could you move this to the top of what I know is an overflowing in-box? If you already sent this out and I missed it from my in-box, I apologize but could you shoot it to me again?

Many thanks!

Julie F. Thomas
DGC, National Security Law Branch
Office of the General Counsel
Room 7975
202-324-[redacted]
202-324-[redacted] (fax)

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U.S. Department of Justice

Federal Bureau of Investigation

~~SECRET~~

Washington, D. C. 20535-0001

BY COURIER

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

Dear Mr. Friedman:

b2 Enclosed for your information is a self-explanatory memorandum entitled "Intelligence Oversight Board Matter 2006- (U)

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

Enclosure

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CLASSIFIED ENCLOSURE

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

DECLASSIFIED BY 65179 DMH/KSR/JB
ON 11-28-2007

~~SECRET~~

NSL VIO-28703

~~SECRET~~

Mr. Stephen Friedman

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

Sincerely,

Julie F. Thomas
Deputy General Counsel

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

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

~~SECRET~~

NSL VIO-28704



U.S. Department of Justice

Federal Bureau of Investigation

~~SECRET~~

Washington, D. C. 20535-0001

BY COURIER

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

Dear Mr. Friedman:

Enclosed for your information is a self-explanatory memorandum entitled "Intelligence Oversight Board Matter 2007- (U)

b2

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

Enclosure

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

DECLASSIFIED BY 65179 DMH/KSR/JB
ON 11-28-2007

~~SECRET~~

NSL VIO-28705

~~SECRET~~

Mr. Stephen Friedman

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

Sincerely,

Julie F. Thomas
Deputy General Counsel

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

- 1 - Mr. Matt Olsen
Deputy Assistant Attorney General
National Security Division
U.S. Department of Justice
Room 2200 C

~~SECRET~~

NSL VIO-28706



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

March 28, 2006

ALL INFORMATION CONTAINED
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DATE 11-28-2007 BY 65179 DMH/KSK/JE

Ms. Kathryn Lotrianti, Counsel
Intelligence Oversight Board
New Executive Office Building - Room 5020
725 17th Street, NW
Washington, DC 20503

Dear Ms. Lotrianti:



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NSL VIO-28707



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[Redacted] [Redacted]
[Redacted] Please do not hesitate to contact me at (202) [Redacted]
334- [Redacted] if you have any questions.

b2

Sincerely,

Julie F. Thomas
Deputy General Counsel
National Security Law Branch
Federal Bureau of Investigation

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 05/05/2006

To: [Redacted]

Attn: SAC [Redacted]
ASAC [Redacted]
SSA [Redacted]
SA [Redacted]

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Counterintelligence

Attn: CD-2B, SSA [Redacted]

Inspection

Attn: IIS, CRS [Redacted]

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

Contact: AGC [Redacted] 202-324 [Redacted]

Approved By: Thomas Julie F

DATE: 11-28-2007
CLASSIFIED BY: 65179 DMH/KSR/JE
REASON: 1.4 (c)
DECLASSIFY ON: 11-28-2032

Drafted By: [Redacted]

(U) Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO Serial 1289 (Pending)

b2 (U) Title: ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD
MATTER 2006- [Redacted]

(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). OGC will prepare and deliver the necessary correspondence to the IOB.

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WHERE SHOWN OTHERWISE

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

Reference: (S) [Redacted]

b1 (U) Details: ~~(S)~~ By electronic communication (EC) dated 03/29/2006,
b7A the [Redacted] Field Office [Redacted] requested that OGC
b2 review the facts of the captioned matter and determine whether it
b7E warrants reporting to the IOB. In our opinion, it does. Our
b4 analysis follows.

b7D (U) ~~(S)~~ On 11/23/2004, a [Redacted] case agent
submitted a National Security Letter (NSL) seeking telephone toll
billing records of a certain target to [Redacted] Due to a

~~SECRET~~

~~SECRET~~

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To: [REDACTED] From: Office of the General Counsel
Re: 178-HQ-C1229736-V10, 05/05/2006

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typographical error, the telephone number on the NSL was erroneously transcribed.¹ On 02/04/2005, the telephone records were opened and it was determined that they were not the target's records. [REDACTED] immediately ceased review of the telephone records.²

(U) The President, by Executive Order 12334, dated 12/04/1981, established the President's Intelligence Oversight Board (FIOB). On 09/13/1993, by Executive Order 12863, the President renamed it the Intelligence Oversight Board (IOB) and established the Board as a standing committee of the President's Foreign Intelligence Advisory Board. Among its responsibilities, the IOB has been given authority to review the FBI's practices and procedures relating to foreign intelligence and foreign counterintelligence collection.

(U) Section 2.4 of Executive Order 12863 mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division (INSD), and the General Counsel, Office of the General Counsel (OGC), respectively) report to the IOB intelligence activities that they have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive. This language has been interpreted to mandate the reporting of any violation of a provision of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG), effective 10/31/2003, or other guidelines or regulations approved by the Attorney General in accordance with EO 12333, dated 12/04/1981, if such provision was designed to ensure the protection of individual rights.

(U) Violations of provisions that merely are administrative in nature and not deemed to have been designed to ensure the protection of individual rights are generally not reported to the IOB. The FBI Inspection Division is required, however, to maintain records of such administrative violations

¹ (U) In order to avoid any further dissemination of this incorrect telephone number, the number is not being listed in this document.

b2 (U) ~~(S)~~ ² On 03/27/2006, [REDACTED] realized that this incident constituted an IOB violation and promptly reported the matter to OGC, the Inspection Division, and the Counterintelligence Division.

~~SECRET~~

~~SECRET~~

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To: [REDACTED] From: Office of the General Counsel
Re: 278-HQ-C1229736-V10, 05/05/2006

for three years so that the Counsel to the IOB may review them upon request. The determination as to whether a matter is "administrative in nature" must be made by OGC. Therefore, such administrative violations must be reported as potential IOB matters.

(U) ~~(S)~~ NSLs are a specific type of investigative tool that allows the FBI to obtain certain limited types of information without court intervention: (1) telephone and email communication records from telephone companies and internet service providers (Electronic Communications Privacy Act, 18 U.S.C. § 2709); (2) records of financial institutions (which is very broadly defined) (Right to Financial Privacy Act, 12 U.S.C. § 3414(a)(5)(A)); (3) a list of financial institutions and consumer identifying information from a credit reporting company (Fair Credit Reporting Act, 15 U.S.C. §§ 1681u(a) and (b)); and (4) full credit report in an international terrorism case (Fair Credit Reporting Act, 15 U.S.C. § 1681v). NSLs may be issued in conformity with statutory requirements, including 18 U.S.C. § 2709. NSIG [REDACTED]

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(S)

(U) ~~(S)~~ In this situation, due to the incorrect number stated in the NSL, the FBI received telephone toll billing records pertaining to a telephone number that was neither under investigation nor related to an investigation. Therefore, the information was improperly collected, although unintentionally so, in violation of the NSIG and ECPA.

(U) ~~(S)~~ Here, the target's rights were not violated because he was not the subject of the improperly collected information. It is unknown whether the erroneous information received pertained to a United States Person, inasmuch as there has been no review of the information. Nonetheless, based upon the fact that information which may be about a USP was improperly, although inadvertently, collected, and in accordance with the reporting requirements of Section 2.4 of Executive Order 12863, OGC will prepare a cover letter and a memorandum to report this matter to the IOB.

~~SECRET~~

~~SECRET~~

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To: [redacted] From: Office of the General Counsel
Re: T78-HQ-C1229736-V10, 05/05/2006

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Information)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) For information.

Set Lead 3: (Information)

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[redacted]

AT [redacted]

(U) The [redacted] Field Office should contact [redacted] and ask whether the improperly or unintentionally acquired information should be returned or destroyed with appropriate documentation to the file.

cc: Mr. Thomas

[redacted]

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IOE Library

◆◆

~~SECRET~~



U.S. Department of Justice

Federal Bureau of Investigation

~~SECRET~~

Washington, D. C. 20535-0001

BY COURIER

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

Dear Mr. Friedman:

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

b2

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

Enclosure

UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE

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

DECLASSIFIED BY 65179 DMH/KSR/JB
ON 11-28-2007

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NSL VIO-28722

~~SECRET~~

Mr. Stephen Friedman

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

Sincerely,

Julie F. Thomas
Deputy General Counsel

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

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

~~SECRET~~

NSL VIO-28723

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

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b7E

(U) ~~(S)~~ By electronic communication dated March 29, 2006, the Federal Bureau of Investigation (FBI) [REDACTED] Field Office reported that, on November 23, 2004, the FBI submitted a National Security Letter (NSL) seeking telephone toll billing records relating to a certain target to [REDACTED]. Due to a typographical error, the telephone number on the NSL was erroneously transcribed. On February 4, 2005, the telephone records were opened and it was determined that they were not the target's records. [REDACTED] immediately ceased review of the telephone records.

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(U) ~~(S)~~ Due to the incorrect number stated in the NSL, the FBI received telephone toll billing records pertaining to a telephone number that was neither under investigation nor related to an investigation. The error was discovered upon receipt of the information, and the records were neither reviewed nor used for any investigative purpose. Despite the inadvertent nature of the mistake, the fact remains that information was improperly collected on a telephone number unrelated to an investigation. The overcollection was a violation [REDACTED] of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection. Thus, the matter is being reported to the IOB.

b1

(S)

~~Derived from: G-3
Declassify on: 25X-1~~

~~SECRET~~

DECLASSIFIED BY 65179 DMH/KSR/JB
ON 11-28-2007

NSL VIO-28726

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 06/15/2006

To: [Redacted]

Attn: SAC [Redacted]
CDC [Redacted]
SSA [Redacted]
SA [Redacted]

DATE: 11-28-2007
CLASSIFIED BY: 65179 DMH/KSR/JB
REASON: 1.4(c)
DECLASSIFY ON: 11-28-2032

Counterintelligence

Attn: CD-2A,
UC [Redacted]
SSA [Redacted]

Inspection

Attn: IIS, CRS [Redacted]

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

Contact: AGC [Redacted]

Approved By: Thomas Julie F. [Redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Drafted By: [Redacted]

(U) Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO Serial 1424 (Pending)

(U) Title: ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD b2
MATTER 2006 [Redacted]

(U) Synopsis: ~~(S)~~ It is the opinion of the Office of the General Counsel (OGC) that this matter is not reportable 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.

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

(U) Administrative: ~~(S)~~ This electronic communication (EC) contains information from the following documents: (1) a copy of the National Security Letter (NSL) dated 01/20/2006 to [Redacted]; (2) a copy of the EC dated 01/20/2006 forwarding the NSL to [Redacted] Field Division to be served on the carrier; and (3) a copy of the EC dated 06/01/2006 from the [Redacted] Field Office [Redacted] to OGC reporting a potential IOB matter.

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~~SECRET~~

~~SECRET~~

To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 06/15/2006

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Reference: (S) [redacted]

(U) ~~(S)~~ Details: By EC dated 06/01/2006, [redacted] requested that OGC review the facts of the captioned matter and determine whether it warrants reporting to the IOB. As explained below, in our opinion, the FBI is not required to report this matter to the IOB.

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(U) ~~(S)~~ On 01/20/2006, [redacted] drafted an NSL pursuant to 18 U.S.C. § 2709 seeking subscriber and toll billing records for two telephone numbers. Specifically, the NSL sought "the name, address, length of service, and all local and long distance toll billing records associated" with the two telephone numbers from "[i]nception of the account to the present." By EC dated 01/20/2006, the NSL was forwarded to the [redacted] Division to be delivered to [redacted]

(U) ~~(S)~~ On 02/15/2006, [redacted] received the results of the NSL on a disk. The case agent reviewed the results from the NSL on 02/23/2006. With respect to one telephone number, [redacted] received information pertaining solely to the target.

(U) ~~(S)~~ With respect to the second telephone number, however, [redacted] received NSL results pertaining to two

~~SECRET~~

~~SECRET~~

To: [redacted] From: Office of the General Counsel
Re: 278-HQ-CLE29736-VIO, 06/15/2006

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subscribers: the target and another individual.¹ The case agent brought this to the attention of both her supervisor and the Chief Division Counsel (CDC). The case agent also sequestered the telephone records of the individual who was not the subject of the investigation.

(U) The President, by Executive Order 12334, dated 12/04/1981, established the President's Intelligence Oversight Board (PIOB). On 09/13/1993, by Executive Order 12863, the President renamed it the Intelligence Oversight Board (IOB) and established the Board as a standing committee of the President's Foreign Intelligence Advisory Board. Among its responsibilities, the IOB has been given authority to review the FBI's practices and procedures relating to foreign intelligence and foreign counterintelligence collection.

(U) Section 2.4 of Executive Order 12863 mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division (INSD), and the General Counsel, Office of the General Counsel (OGC), respectively) report to the IOB intelligence activities that they have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive. This language has been interpreted to mandate the reporting of any violation of a provision of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG), effective 10/31/2003, or other guidelines or regulations approved by the Attorney General in accordance with EO 12333, dated 12/04/1981, if such provision was designed to ensure the protection of individual rights. Violations of provisions that merely are administrative in nature and not deemed to have been designed to ensure the protection of individual rights are generally not reported to the IOB. The FBI Inspection Division is required, however, to maintain records of such administrative violations for three years so that the Counsel to the IOB may review them upon request. The determination as to whether a matter is "administrative in nature" must be made by OGC. Therefore, such administrative violations must be reported as potential IOB matters.

(U) [redacted] With respect to this telephone number, [redacted] received telephone records dated from [redacted] to [redacted] that were associated with the target. With respect to this same telephone number, [redacted] also received records dated [redacted] to [redacted] that were associated with another individual unrelated to the investigation.

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~~SECRET~~

To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 06/15/2006

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(U) ~~(S)~~ NSLs are a specific type of investigative tool that allows the FBI to obtain certain limited types of information without court intervention: (1) telephone and email communication records from telephone companies and internet service providers (Electronic Communications Privacy Act, 18 U.S.C. § 2709); (2) records of financial institutions (which is very broadly defined) (Right to Financial Privacy Act, 12 U.S.C. § 3414(a)(5)(A)); (3) a list of financial institutions and consumer identifying information from a credit reporting company (Fair Credit Reporting Act, 15 U.S.C. §§ 1681u(a) and (b)); and (4) full credit report in an international terrorism case (Fair Credit Reporting Act, 15 U.S.C. § 1681v). NSLs may be issued in conformity with statutory requirements, including 18 U.S.C. § 2709. [redacted]

b1

(U) ~~(S)~~ Here, during an authorized investigation,² the FBI properly served an NSL on a telephone carrier. In response to the properly served NSL, the FBI obtained information regarding another subscriber's records that were not relevant to the

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

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~~SECRET~~

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To: [REDACTED] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 06/15/2006

investigation.⁵ It appears that this information, although lawfully obtained, is not relevant to the investigation and should be segregated to protect the potential privacy interests of United States persons. Once information not relevant to an authorized investigation is received, the field should contact the carrier and ask whether the unintentionally acquired information should be returned or destroyed with appropriate documentation to the file.

(U) Based upon these facts, in accordance with the terms implementing the reporting requirements of Section 2.4 of EO 12863, it is our opinion that this error is not reportable to the IOB. A record of this decision should be maintained in the control file for future review by the Counsel to the IOB.

(U) ~~(S)~~ The target's rights were not violated because he was not the subject of the improperly collected information. It is unknown, however, whether the information associated with the other subscriber pertained to a United States Person inasmuch as there has been no review of the information.

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To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 06/15/2006

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) INSD should retain a record of the report of the potential IOE matter, as well as a copy of the OGC opinion concluding that TOR notification is not required, for three years for possible review by the Counsel to the IOE.

Set Lead 2: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) For information.

Set Lead 3: (Action)

[redacted]
AT [redacted]

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(U) The [redacted] Field Office should contact [redacted] and ask whether the improperly or unintentionally acquired information should be returned or destroyed with appropriate documentation to the file.

cc: Ms. Thomas

[redacted]
IOE Library

◆◆

~~SECRET~~

From: THOMAS, JULIE F. (OGC) (FBI)
Sent: Friday, September 22, 2006 5:07 PM
To: [redacted] (OGC) (FBI)
Cc: [redacted]
Subject: IOB internal guidance
~~SECRET//ORCON,NOFORN~~
~~RECORD XXXXX~~

b6
b7C



internaliobJTchang
es.wpd (89 ...)

Attached are my edits for discussion.
Hit document then review to view.
Julie F. Thomas
DGC, National Security Law Branch
Office of the General Counsel
Room 7975
202-324-[redacted]
202-324-[redacted] (fax)

DECLASSIFIED BY: 65179 DMH/KSR/JB
ON 11-28-2007

b2

[redacted]

~~DERIVED FROM: Multiple Sources~~
~~DECLASSIFICATION EXEMPTION 1~~
~~SECRET//ORCON,NOFORN~~

From: THOMAS, JULIE F. (OGC) (FBI)
Sent: Friday, September 22, 2006 5:07 PM
To: [REDACTED]
Cc: b6
b7C

Subject: IOB internal guidance
~~SECRET//ORCON,NOFORN~~
~~RECORD XXXXX~~

DECLASSIFIED BY 65179 DMH/KSP/JE
ON 11-28-2007



internaliobJTchang
es.wpd (89 ...)

Attached are my edits for discussion.
Hit document then review to view.
Julie F. Thomas
DGC, National Security Law Branch
Office of the General Counsel
Room 7975
202-324- [REDACTED]
202-324- [REDACTED] (fax)

b2

[REDACTED]

~~DERIVED FROM: Multiple Sources~~
~~DECLASSIFICATION EXEMPTION 1~~
~~SECRET//ORCON,NOFORN~~

~~SECRET~~

09/22/2006

GC Caproni:

I have reviewed your proposed change to the IOB policy.

[Redacted]

b5

DECLASSIFIED BY 65179 DMH/KSR/TE
ON 11-29-2007

Julie F. Thomas

~~SECRET~~

NSL VIO-28891

Message.txt

Sent: Tuesday, August 16, 2005 4:42 PM

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

b6
b7C

b5

Subject: RE: [redacted]

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

b5

The draft EC proposes [redacted]

I concur [redacted]

Julie - do you concur?

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

From: [redacted] (OGC) (FBI)

Sent: Tuesday, August 16, 2005 4:27 PM

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

b6
b7C

Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (OGA); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)

b5

Subject: RE: [redacted]

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted] has written an EC for the GC's signature on this subject. It was vetted through NSLR [redacted] and is now with [redacted]

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[redacted] can address the recommended approval procedure.

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

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

Sent: Tuesday, August 16, 2005 4:16 PM

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

Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (OGA); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)

b6
b7C

Subject: RE: [redacted]

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

b5

This issue also needs to be vetted with ILU; hence the forwarding of the email, Julie

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

From: [redacted] (OGC) (FBI)

Sent: Tuesday, August 16, 2005 9:40 AM

To: [redacted] (CTD) (FBI)

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

b6
b7C

Subject: RE: [redacted]

b5

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Message.txt

This issue of [redacted]

[redacted]

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p.s. if anybody on the copy count disagrees, please let me know.

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

From: [redacted] (CTD) (FBI) b6
Sent: Tuesday, August 16, 2005 9:24 AM b7C
To: [redacted] (OGC) (FBI)
Subject: RE: [redacted] b5

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Hello again,
I just reached out to my colleague again, and he now has a more
specific question regarding [redacted]

[redacted]

b5
b6
b7C

By the way, I've got about four people checking on this: [redacted]
[redacted] NO ONE KNOWS! what's the deal?

Any thoughts? Thanks again for the help,

[redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Tuesday, August 16, 2005 9:03 AM
To: [redacted] (CTD) (FBI)
Subject: RE: [redacted]

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted]

b5
b6
b7C

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

From: [redacted] (CTD) (FBI)
Sent: Tuesday, August 16, 2005 8:50 AM
To: [redacted] (OGC) (FBI)
Subject: RE: [redacted]

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Message.txt
SENSITIVE BUT UNCLASSIFIED
NON-RECORD

b5
b6
b7C

Hi [redacted]
The guy who asked was interested in [redacted]
[redacted] I did some research on my own and talked to [redacted]
[redacted] and he emphasized [redacted]
[redacted] as you explained I think [redacted]
[redacted]
[redacted] When I told my colleague this I think
that basically answered his question because [redacted]
[redacted] However, if
there are any [redacted] issues you think I
should forward to him for his own edification, please let me
know.
Thanks,
[redacted]

b5
b6
b7C

-----Original Message-----
From: [redacted] (OGC) (FBI)
Sent: Tuesday, August 16, 2005 7:59 AM
To: [redacted] (CTD) (FBI)
Subject: RE: [redacted]

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

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[redacted]

please clarify. and sorry for taking so long to respond.

[redacted]

b6
b7C
b5

-----Original Message-----
From: [redacted] (CTD) (FBI)
Sent: Wednesday, August 10, 2005 10:25 AM
To: [redacted] (OGC) (FBI)
Subject: [redacted]

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

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b7C
b5

Hi [redacted]
A colleague in [redacted] asked me to see if I could find out
what [redacted]
Specifically, he wanted to know [redacted]

[redacted]

b5
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b7C
b2

Message.txt

[redacted] I have been told that you are the NSL guru. I'd appreciate any feedback you can provide, even if you can just point me in the right direction. I have found plenty of info/guidance regarding NSLs, but much less regarding

[redacted]
Thanks.

[redacted]
202-324 [redacted]

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

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Key Excerpts from the Unclassified IG Report

The FBI self-identified the inaccurate reporting, and told Congress a year ago

(pg. xvii and 33) : In March 2006, the FBI acknowledged to the Attorney General and Congress that NSL data in the semiannual classified reports may not have been accurate and stated that the data entry delays affected an unspecified number of NSL requests. After the FBI became aware of these delays, it took steps to reduce the impact of the delays to negligible levels for the second half of CY 2005.

The IG Found No Criminal Misconduct

(pg. xxviii, fn.26) : In this report, we use the terms "improper or illegal use" as contained in the Patriot Reauthorization Act. As noted below, the improper or illegal uses of the national security letter authorities we found in our review did not involve criminal misconduct. However, as also noted below, the improper or illegal uses we found included serious misuses of national security letter authority.

No deliberate or intentional violations; but rather, good faith mistakes; confusion

(pg. xxx): Our examination of the 26 possible IOB violations reported to FBI OGC did not reveal deliberate or intentional violations of NSL statutes, the Attorney General Guidelines or internal FBI policy. Although the majority of the possible violations - 22 of 26 - arose from FBI errors, most of them occurred because of typographical errors or the case agent's good faith but erroneous belief that the information requested related to an investigative subject.

(pg. xxxiii:) Our review did not reveal intentional violations of national security letter authorities, the Attorney General Guidelines or internal FBI policy. Rather, we found confusion about the authorities available under the various NSL statutes.

IG found in most cases we sought information we were entitled to

(pg. xlviii and 124): Finally, in evaluating the FBI's use of national security letters, it is important to note the significant challenges the FBI was facing during the period covered by our review and the major organizational changes it was undergoing. Moreover, it is also important to recognize that in most cases the FBI was seeking to obtain information that it could have obtained properly if it had followed applicable statutes, guidelines, and internal policies. We also did not find any indication that the FBI's misuse of NSL authorities constituted criminal misconduct.

FBI seeking information to which it was entitled

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(pg. 67): In evaluating this matters, it is important to recognize that in most cases,

the FBI was seeking to obtain information that it could have obtained properly if it had followed applicable statutes, guidelines, and internal policies. We also did not find any indication that the FBI's misuse of NSL authorities constituted criminal misconduct.

Errors were not deliberate attempts to circumvent statutes

(pg. 77): While the errors resulted in the acquisition of information not relevant to an authorized investigation, they did not manifest deliberate attempts to circumvent statutory limitations or Departmental policies and appropriate remedial action was taken.

(pg. 103) (control file issue) We believe that the CAU officials and the EOPS Unit Chief concluded in good faith that the FBI had sufficient predication either to connect these national security letters with existing investigations or to open new investigations in compliance with the Attorney General's NSI Guidelines.

FBI has now provided the needed guidance

(pg. 107): Overall, we believe that the FBI has now provided needed guidance and support to field personnel to facilitate production of approval documentation compliant with statutory requirements, Attorney General Guidelines and internal FBI policies. Nonetheless, we believe the FBI should improve its compliance with the internal controls governing its exercise of national security letter authorities...

(pg. 126) We believe that these recommendations, if fully implemented, can improve the accuracy of the reporting of the FBI's use of national security letters and ensure the FBI's compliance with the requirements governing their use.

From: THOMAS, JULIE F. (OGC) (FBI)
Sent: Wednesday, March 21, 2007 2:24 PM
To: HQ-Div09-NSLB
Subject: Please await an all CDC email

~~ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11-29-2007 BY 65179 DMH/KSR/JB~~

UNCLASSIFIED
NON-RECORD

We are getting a tremendous amount of questions from the CDCs reflecting confusion about the ongoing NSL audit in the field offices. I have met with Inspection Division and will shortly send out an all CDC email giving some additional guidance regarding the reporting of potential IOBs. Please wait to read that advice before answering questions that are not clearly set forth in the November 2006 external guidance.

Julie F. Thomas
DGC, National Security Law Branch
Office of the General Counsel
Room 7975
202-324-
202-324- (fax)

b2

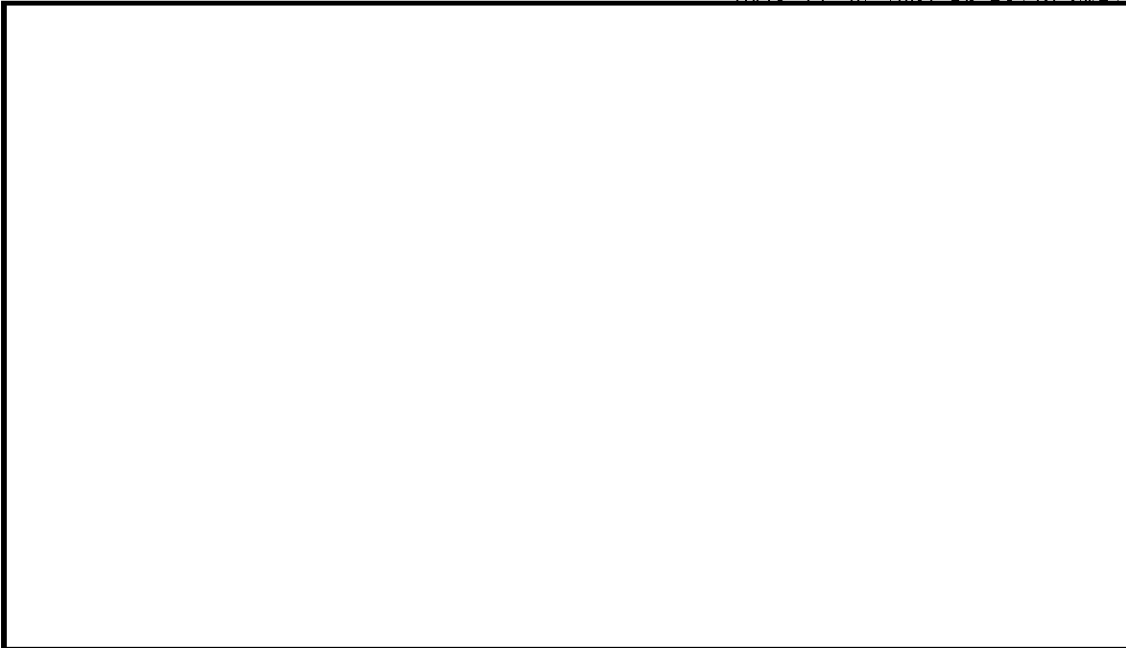
UNCLASSIFIED

b6
b7C

From: THOMAS, JULIE F. (OGC) (FBI)
Sent: Thursday, March 22, 2007 9:07 AM
To: FBI ALL CDCs; HQ-Div09-NSLB
Cc: [REDACTED] (INSD) (FBI); CAPRONI, VALERIE E. (OGC) (FBI)
Subject: Receipt of Information in Response to NSLs

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DATE 11-20-2007 BY 65170 DMH/KSR/JE



UNCLASSIFIED

Duplicate 3/22/07 email in volume 1 of this file

NSL VIO-28900

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b7C

From: THOMAS, JULIE F. (OGC) (FBI)
Sent: Monday, March 26, 2007 12:47 PM
To: [redacted] (OGC) (FBI); [redacted] (OGC)
(FBI); [redacted] (OGC) (FBI)
Subject: RE: IOB Issues Relating to the Inspection Division's Audit

UNCLASSIFIED
NON-RECORD

Please read [redacted]
[redacted]

b5

Julie F. Thomas
DGC, National Security Law Branch
Office of the General Counsel
Room 7975
202-324-[redacted]
202-324-[redacted] (fax)

DECLASSIFIED BY: 65179 DMH/KSR/JB
ON: 11-29-2007

b2

[redacted]

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

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b7C

From: [redacted] (OGC) (FBI)
Sent: Monday, March 26, 2007 12:40 PM
To: THOMAS, JULIE F. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC)
(FBI)
Subject: FW: IOB Issues Relating to the Inspection Division's Audit

~~SECRET~~
~~RECORD IOB~~

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[redacted] CDC [redacted] raises a valid point regarding [redacted]

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

From: [redacted] (FBI)
Sent: Monday, March 26, 2007 12:32 PM
To: [redacted] (OGC) (FBI)
Subject: RE: IOB Issues Relating to the Inspection Division's Audit

~~SECRET~~
~~RECORD IOB~~

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b7E

[redacted]

SA [redacted]
[redacted] Division
[redacted] (cell)

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

b6
b7C

From: [redacted] (OGC) (FBI)
Sent: Wednesday, March 21, 2007 3:22 PM
To: HQ-Div09-NSLB; FBI_ALL CDCs; CAPRONI, VALERIE E. (OGC) (FBI); [redacted] (INSD) (FBI)
Subject: IOB Issues Relating to the Inspection Division's Audit

As a result of the Department of Justice, Office of the Inspector General's recent report relating to the FBI's use of National Security Letters, the Inspection Division currently is auditing several field offices regarding the FBI's use of NSLs. The Office of the General Counsel has been receiving many questions regarding whether errors identified during the audit should be reported to OGC as potential Intelligence Oversight Board (IOB) matters. In light of these questions, a copy of the November 16, 2006 "Revised Procedures for the Submission of Reports of Potential Intelligence Oversight Board Matters" is attached to this email for your convenience. Further, additional guidance is listed below.

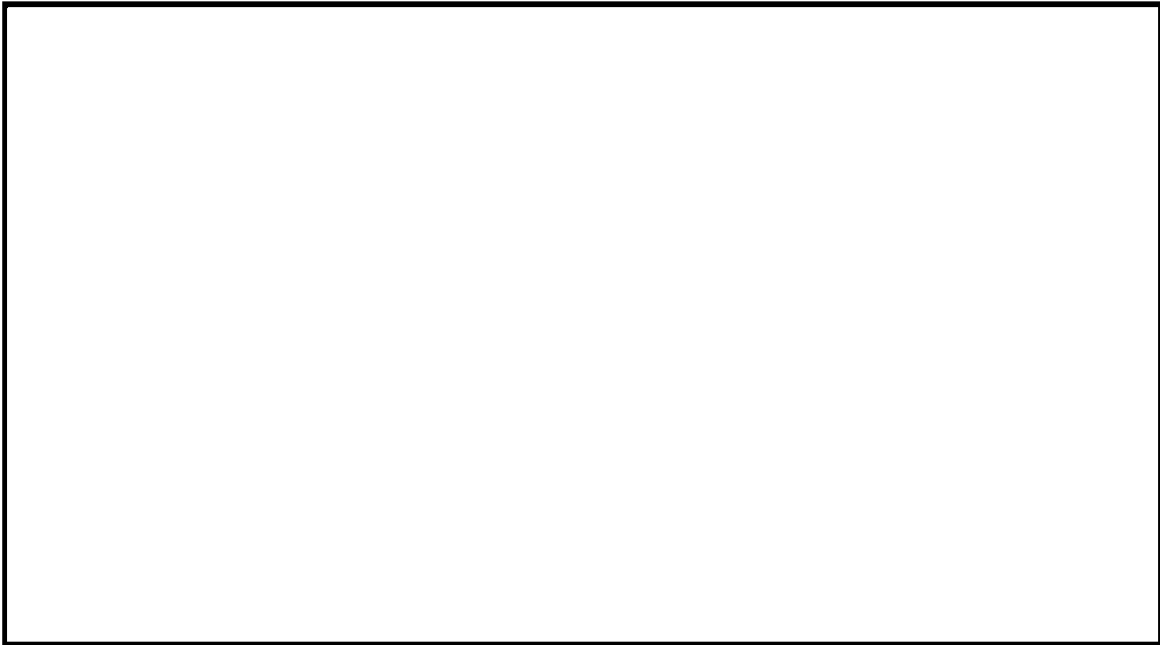
The AIIPs are directed by the Inspection Division to note any deviation or error. Then, this information is passed to the CDC to determine if a matter should be reported to OGC as a potential IOB matter. It is expected that the AIIPs will note many more issues than the CDCs will report to OGC for adjudication as potential IOB matters. Even so, OGC is encouraging overreporting of errors as potential IOB matters. If you have any questions about OGC's guidance relating to IOB matters, please contact [redacted] or [redacted]

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In addition to the November 16, 2006 IOB guidance, OGC has highlighted the following issues based upon conversations with CDCs from around the country.

The following incidents are reportable as potential IOBs matters for adjudication by OGC:

b5



b5

<< File: IOB Attachment #1--Nov162006POLICY.wpd >>

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign
Counterintelligence Investigations
DECLASSIFICATION EXEMPTION 1
SECRET~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign
Counterintelligence Investigations
DECLASSIFICATION EXEMPTION 1
SECRET~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign
Counterintelligence Investigations
DECLASSIFICATION EXEMPTION 1
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UNCLASSIFIED

NSL VIO-28907

From: THOMAS, JULIE F. (OGC) (FBI)
Sent: Thursday, March 22, 2007 8:56 AM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: RE: IMPORTANT -- NSL Guidance

b6
b7C

UNCLASSIFIED
NON-RECORD

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11-29-2007 BY 65179 DMH/KSR/JB

[redacted]

I want the "all CDC emails" to go through me. So I will look at this.

Julie F. Thomas
DGC, National Security Law Branch
Office of the General Counsel
Room 7975
202-324-[redacted]
202-324-[redacted] (fax)

b2

[redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Thursday, March 22, 2007 8:52 AM
To: THOMAS, JULIE F. (OGC) (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: FW: IMPORTANT -- NSL Guidance

b6
b7C

I think the below is fine and I was inclined to copy all CDCs because I think all CDCs could use something worded this well. Any objections?

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

From: [redacted] (FBI)
Sent: Thursday, March 22, 2007 7:38 AM
To: [redacted] (OGC) (FBI)
Subject: IMPORTANT -- NSL Guidance

b6
b7C
b2
b7E

[redacted]

Can you take a look at this before I send it to our people? Thanks

[redacted]

b5

NSL VIO-28908



b5

Additional guidance regarding toll record NSLs is likely to be forthcoming. If you have any questions, please call me.

b6
b7C
b2



UNCLASSIFIED

b6
b7C

From: THOMAS, JULIE F. (OGC) (FBI)
Sent: Thursday, March 22, 2007 8:59 AM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: RE: IMPORTANT -- NSL Guidance

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DATE 11-29-2007 BY 65179 DMH/KSR/JB

All CDCs and SACs were notified by DD Pistle of the necessity to review documents received in response to NSLs. The EC [redacted] is working on says the same thing... it will be sent out shortly. As to the subscriber info, I will send out a quick notification about it.

Julie F. Thomas
DGC, National Security Law Branch
Office of the General Counsel
Room 7975 b2
202-324-[redacted]
202-324-[redacted] (fax)

[redacted]

Duplicate 3/22/07 email this file

b6
b7C

-----Original Message-----
From: [redacted] (OGC) (FBI)
Sent: Thursday, March 22, 2007 8:52 AM
To: THOMAS, JULIE F. (OGC) (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: FW: IMPORTANT -- NSL Guidance

[redacted]

b6
b7C
b2
b7E

-----Original Message-----
From: [redacted] (FBI)
Sent: Thursday, March 22, 2007 7:38 AM
To: [redacted] (OGC) (FBI)
Subject: IMPORTANT -- NSL Guidance

[redacted]

Duplicate 3/22/07 email this file NSL VIO-28910



UNCLASSIFIED

Duplicate

b6
b7C

From: THOMAS, JULIE F. (OGC) (FBI)
Sent: Thursday, March 22, 2007 9:14 AM
To: [redacted] (OGC) (FBI) [redacted] (OGC)
(FBI)

Subject: RE: IOB Issues Relating to the Inspection Division's Audit

UNCLASSIFIED
NON-RECORD

Thanks, we are discussing with [redacted] b5
[redacted]

Julie F. Thomas
DGC, National Security Law Branch
Office of the General Counsel
Room 7975
202-324-[redacted] b2
202-324-[redacted] (fax)
[redacted]

DECLASSIFIED BY 65179 DMH/KSR/JB
ON 11-29-2007

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

b6
b7C

From: [redacted] (OGC) (FBI)
Sent: Thursday, March 22, 2007 7:55 AM
To: [redacted] (OGC) (FBI)
Cc: THOMAS, JULIE F. (OGC) (FBI)
Subject: RE: IOB Issues Relating to the Inspection Division's Audit

How does it go. Every action brings an equal and opposite reaction?

b5
b6
b7C

If [redacted]
[redacted]

[redacted] I think we need to think this one through.
[redacted]

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

b6
b7C

From: [redacted] (OGC) (FBI)
Sent: Wednesday, March 21, 2007 3:22 PM
To: HQ-Div09-NSLB; FBI_ALL CDCs; CAPRONI, VALERIE E. (OGC) (FBI); [redacted] (INSD) (FBI)
Subject: IOB Issues Relating to the Inspection Division's Audit

~~SECRET~~
~~RECORD IOB~~

As a result of the Department of Justice, Office of the Inspector General's recent report relating to the FBI's use of National Security Letters, the Inspection Division currently is auditing several field offices regarding the FBI's use of NSLs. The Office of the General Counsel has been receiving many questions regarding whether errors identified during the audit should be reported to OGC as

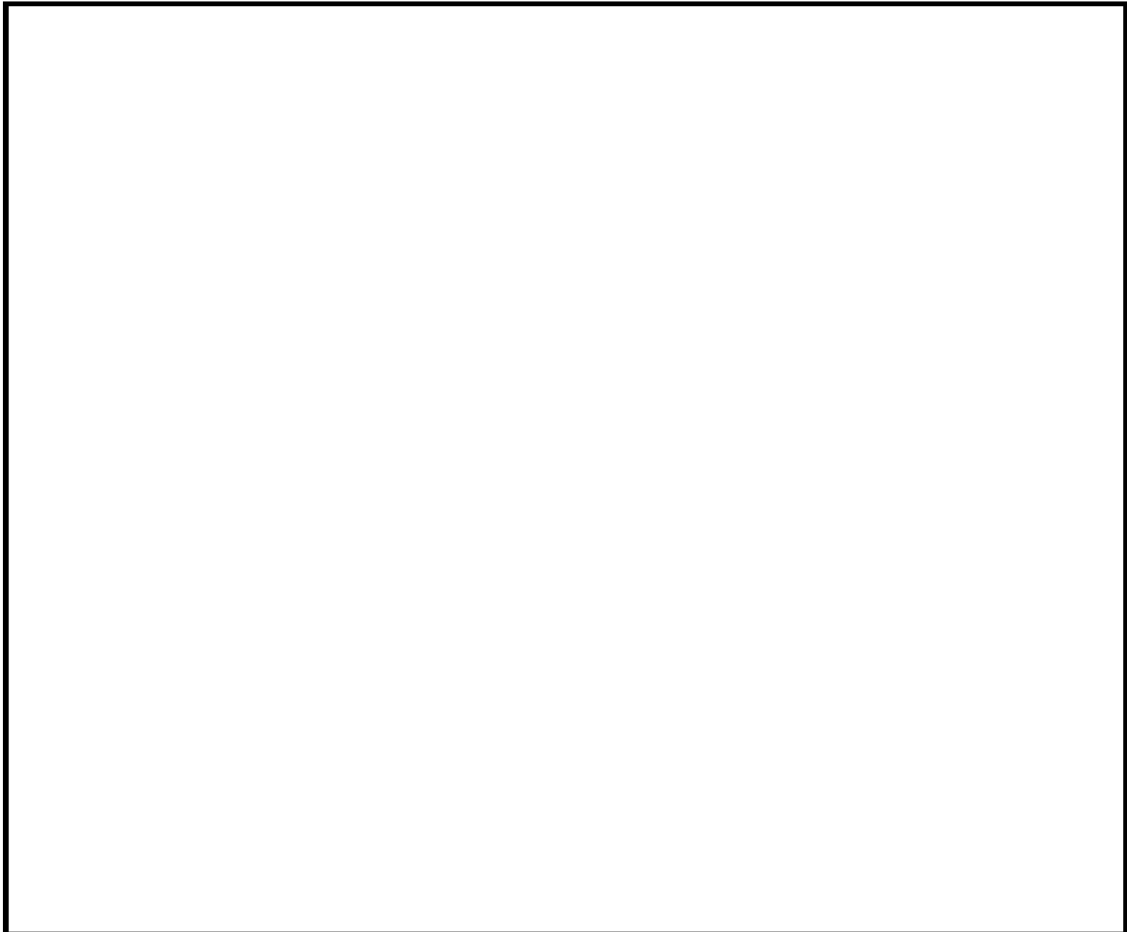
potential Intelligence Oversight Board (IOB) matters. In light of these questions, a copy of the November 16, 2006 "Revised Procedures for the Submission of Reports of Potential Intelligence Oversight Board Matters" is attached to this email for your convenience. Further, additional guidance is listed below.

The AIIPs are directed by the Inspection Division to note any deviation or error. Then, this information is passed to the CDC to determine if a matter should be reported to OGC as a potential IOB matter. It is expected that the AIIPs will note many more issues than the CDCs will report to OGC for adjudication as potential IOB matters. Even so, OGC is encouraging overreporting of errors as potential IOB matters. If you have any questions about OGC's guidance relating to IOB matters, please contact

b6
b7c

In addition to the November 16, 2006 IOB guidance, OGC has highlighted the following issues based upon conversations with CDCs from around the country.

The following incidents are reportable as potential IOBs matters for adjudication by OGC:



b5



b5

<< File: IOB Attachment #1--Nov162006POLICY.wpd >>

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CounterIntelligence Investigations
DECLASSIFICATION EXEMPTION 1
SECRET~~

UNCLASSIFIED

NSL VIO-28914

b6
b7C

From: THOMAS, JULIE F. (OGC) (FBI)
Sent: Thursday, March 22, 2007 4:41 PM
To: [redacted] (OGC) (FBI) [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI) [redacted] (OGC) (FBI)
Subject: RE: IOB Issues Relating to the Inspection Division's Audit
UNCLASSIFIED
NON-RECORD

b5

- 1. Agree
- 2. Agree, [redacted]

Julie F. Thomas
DGC, National Security Law Branch
Office of the General Counsel
Room 7975
202-324-[redacted]
202-324-[redacted] (fax)

DECLASSIFIED BY 65179 DMH/KSP/JB
ON 11-29-2007

b2

[redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Thursday, March 22, 2007 4:14 PM
To: [redacted] (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI)
Cc: [redacted] (OGC) (FBI) [redacted] (OGC) (FBI)
Subject: RE: IOB Issues Relating to the Inspection Division's Audit

b6
b7C
b5

I couldn't agree more [redacted]
[redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Thursday, March 22, 2007 2:40 PM
To: THOMAS, JULIE F. (OGC) (FBI)
Cc: [redacted] (OGC) (FBI) [redacted] (OGC) (FBI)
Subject: FW: IOB Issues Relating to the Inspection Division's Audit

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b7C

~~SECRET~~
~~RECORD IOB~~

Julie,

I realize how busy you are, but wanted to bring two reoccurring issues to your attention.

- 1. CDC [redacted] raised an interesting point as stated below. [redacted]

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[redacted]

b5
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b7C

[Redacted]

Do you think [Redacted] My opinion is [Redacted]

[Redacted]

Thank you.

[Redacted]

b6
b7C
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b7E

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

From: [Redacted] (FBI)
Sent: Wednesday, March 21, 2007 6:08 PM
To: [Redacted] (OGC) (FBI)
Subject: RE: IOB Issues Relating to the Inspection Division's Audit

~~SECRET
RECORD-IOB~~

[Redacted]

One question concerning [Redacted]

[Redacted]

b5
b6
b7C

[Redacted]

What are your thoughts? Thanks.

[Redacted]

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

From: [Redacted] (OGC) (FBI)
Sent: Wednesday, March 21, 2007 4:22 PM
To: HQ-Div09-NSLB; FBI_ALL CDCs; CAPRONI, VALERIE E. (OGC) (FBI); [Redacted] (INSD) (FBI)
Subject: IOB Issues Relating to the Inspection Division's Audit

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RECORD-IOB~~

As a result of the Department of Justice, Office of the Inspector General's recent report relating to the FBI's use of National Security Letters, the

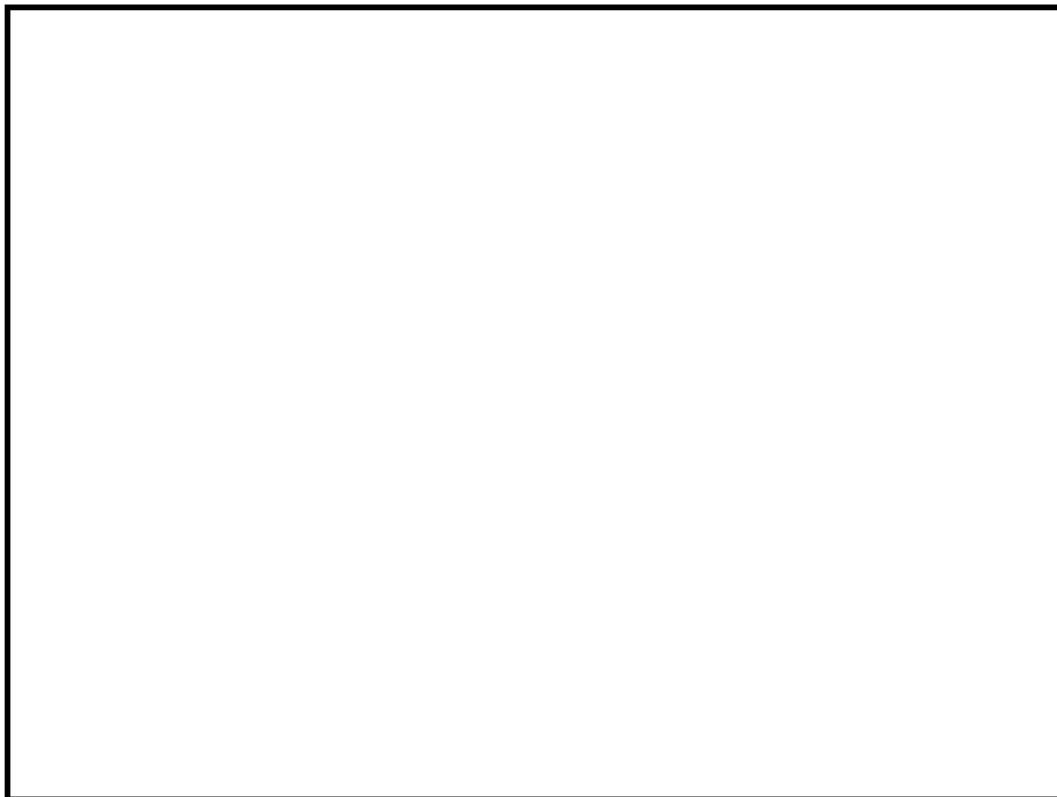
Inspection Division currently is auditing several field offices regarding the FBI's use of NSLs. The Office of the General Counsel has been receiving many questions regarding whether errors identified during the audit should be reported to OGC as potential Intelligence Oversight Board (IOB) matters. In light of these questions, a copy of the November 16, 2006 "Revised Procedures for the Submission of Reports of Potential Intelligence Oversight Board Matters" is attached to this email for your convenience. Further, additional guidance is listed below.

The AIPs are directed by the Inspection Division to note any deviation or error. Then, this information is passed to the CDC to determine if a matter should be reported to OGC as a potential IOB matter. It is expected that the AIPs will note many more issues than the CDCs will report to OGC for adjudication as potential IOB matters. Even so, OGC is encouraging overreporting of errors as potential IOB matters. If you have any questions about OGC's guidance relating to IOB matters, please contact [redacted]

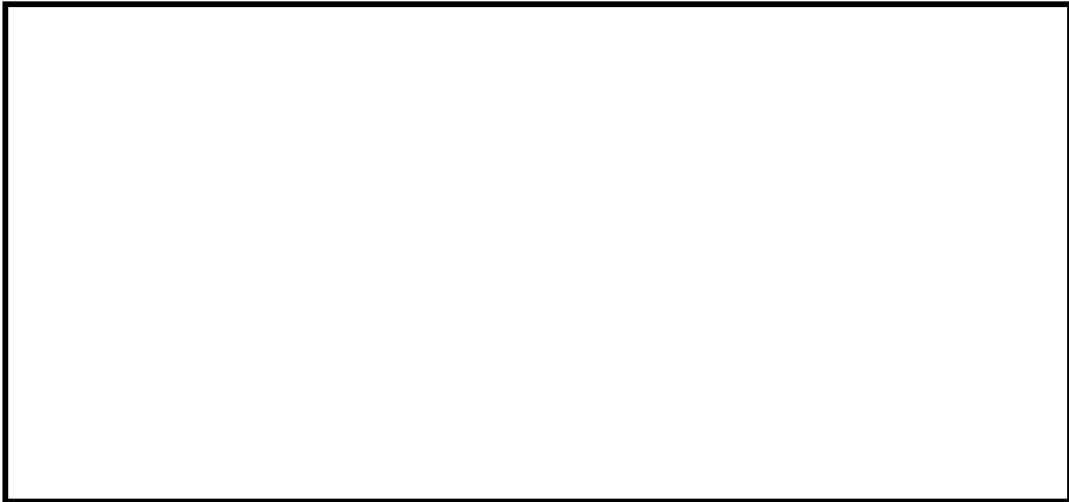
b6
b7C

In addition to the November 16, 2006 IOB guidance, OGC has highlighted the following issues based upon conversations with CDCs from around the country.

The following incidents are reportable as potential IOBs matters for adjudication by OGC:



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b5

<< File: IOB Attachment #1--Nov162006POLICY.wpd >>

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CounterIntelligence Investigations
DECLASSIFICATION EXEMPTION 1
SECRET~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign
CounterIntelligence Investigations
DECLASSIFICATION EXEMPTION 1
SECRET~~

UNCLASSIFIED

NSL VIO-28918

b6
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b7E

From: THOMAS, JULIE F. (OGC) (FBI)
Sent: Friday, March 23, 2007 8:05 AM
To: [redacted] (OGC) (FBI) [redacted] (FBI)
Cc: [redacted] (OGC) (FBI) [redacted] (INSD) (FBI); FBI_ALL
CDCs
Subject: RE: IOB Issues Relating to the Inspection Division's Audit
UNCLASSIFIED
NON-RECORD

b5

Please note [redacted]
[redacted]

Julie F. Thomas
DGC, National Security Law Branch
Office of the General Counsel
Room 7975
202-324-[redacted]
202-324-[redacted] (fax)

DECLASSIFIED BY: 65179 DMH/KSR/JE
ON 11-29-2007

b2

b6
b7C
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-----Original Message-----
From: [redacted] (OGC) (FBI)
Sent: Friday, March 23, 2007 8:02 AM
To: [redacted] (FBI)
Cc: THOMAS, JULIE F. (OGC) (FBI) [redacted] (OGC) (FBI)
Subject: RE: IOB Issues Relating to the Inspection Division's Audit

Correct [redacted]
[redacted]
Julie - this point needs to be made to all CDCs, okay? [redacted]
[redacted]

b5

b6
b7C
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b7E

-----Original Message-----
From: [redacted] (FBI)
Sent: Thursday, March 22, 2007 3:44 PM
To: [redacted] (OGC) (FBI)
Subject: FW: IOB Issues Relating to the Inspection Division's Audit

~~SECRET~~
~~RECORD IOB~~

[redacted]

b6
b7C

What is your take on my question to [redacted]?

Thanks,

[redacted]

b6
b7C
b2
b7E

-----Original Message-----
From: [redacted] (FBI)
Sent: Thursday, March 22, 2007 4:42 PM
To: [redacted] (OGC) (FBI)
Subject: RE: IOB Issues Relating to the Inspection Division's Audit

~~SECRET~~
~~RECORD IOB~~

[Redacted]

b6
b7C
b5
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b7E

Thanks.

[Redacted]
CDC [Redacted]
[Redacted]

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

From: [Redacted] (OGC) (FBI)
Sent: Wednesday, March 21, 2007 4:22 PM
To: HQ-Div09-NSLB; FBI_ALL CDCs; CAPRONI, VALERIE E. (OGC) (FBI); [Redacted] (INSD) (FBI)
Subject: IOB Issues Relating to the Inspection Division's Audit

b6
b7C

~~SECRET~~
~~RECORD IOB~~

As a result of the Department of Justice, Office of the Inspector General's recent report relating to the FBI's use of National Security Letters, the Inspection Division currently is auditing several field offices regarding the FBI's use of NSLs. The Office of the General Counsel has been receiving many questions regarding whether errors identified during the audit should be reported to OGC as potential Intelligence Oversight Board (IOB) matters. In light of these questions, a copy of the November 16, 2006 "Revised Procedures for the Submission of Reports of Potential Intelligence Oversight Board Matters" is attached to this email for your convenience. Further, additional guidance is listed below.

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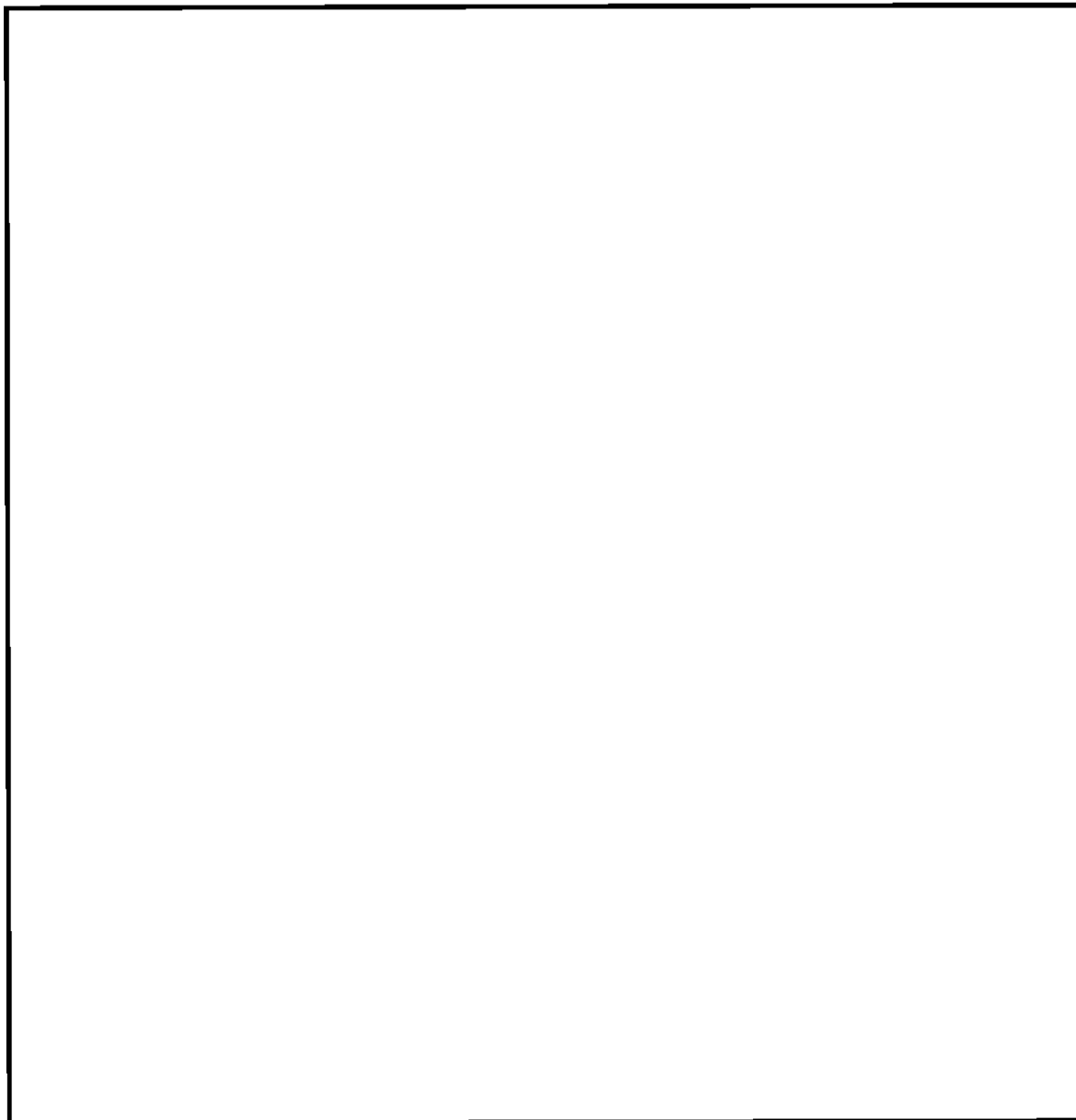
b6
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[Redacted]

In addition to the November 16, 2006 IOB guidance, OGC has highlighted

the following issues based upon conversations with CDCs from around the country.

The following incidents are reportable as potential IOBs matters for adjudication by OGC:



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<< File: IOB Attachment #1--Nov162006POLICY.wpd >>

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NSL VIO-28921

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CounterIntelligence Investigations
DECLASSIFICATION EXEMPTION 1
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~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign
CounterIntelligence Investigations
DECLASSIFICATION EXEMPTION 1
SECRET~~

UNCLASSIFIED

b6
b7C

From: THOMAS, JULIE F. (OGC) (FBI)
Sent: Monday, March 26, 2007 4:36 PM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: RE: IOB Issues Relating to the Inspection Division's Audit

UNCLASSIFIED
NON-RECORD

I think we need to reformat into a more readable, stand alone version... such as:

We have received additional questions....

Julie F. Thomas
DGC, National Security Law Branch
Office of the General Counsel
Room 7975
202-324-[redacted]
202-324-[redacted] (fax)

DECLASSIFIED BY: 65179 DMH/KSR/JB
ON 11-29-2007

b2

[redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Monday, March 26, 2007 3:55 PM
To: THOMAS, JULIE F. (OGC) (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: RE: IOB Issues Relating to the Inspection Division's Audit

b6
b7C

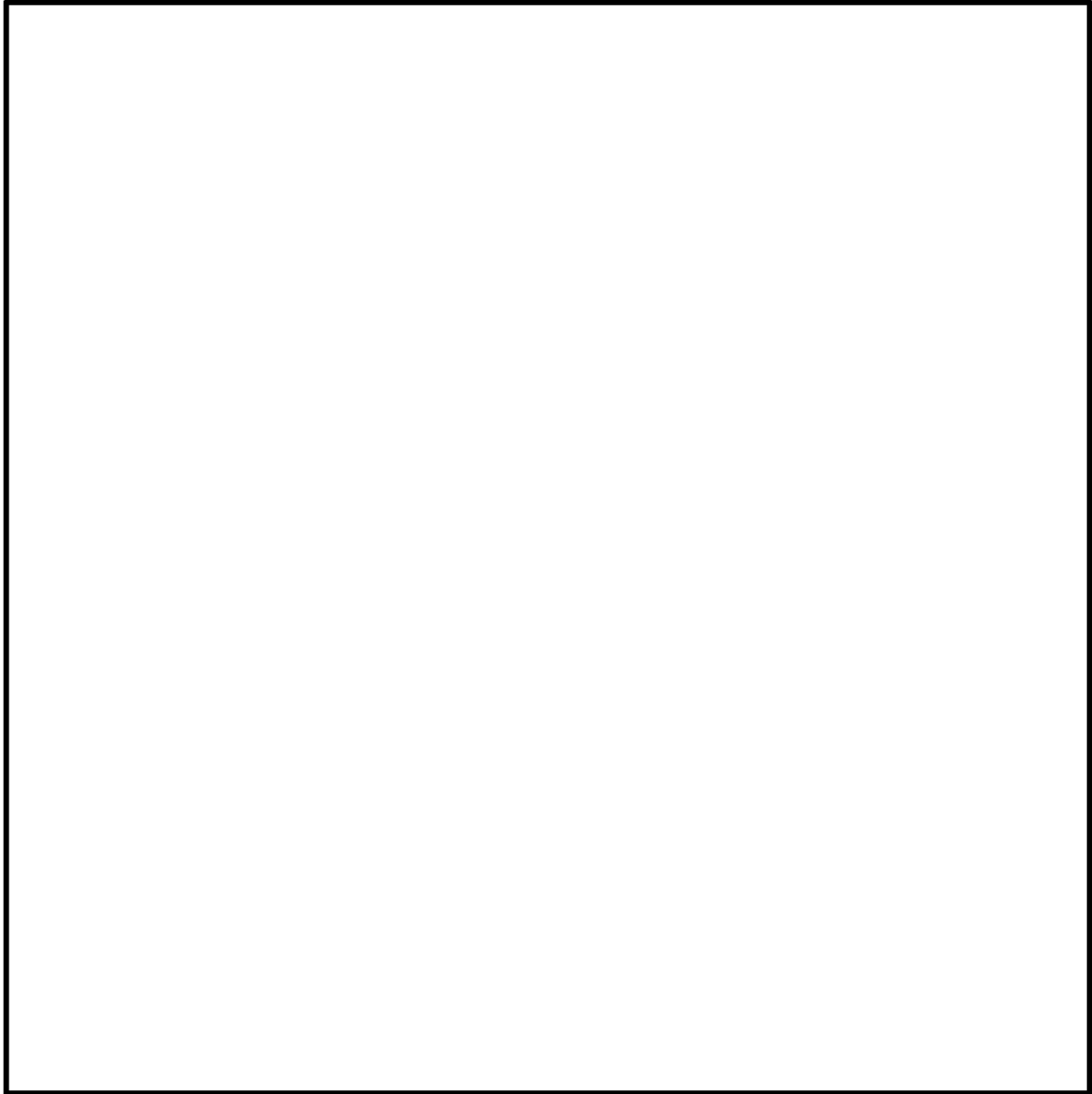
~~**SECRET**~~
~~**RECORD-IOB**~~

Julie,

I made the changes that you noted. Do you want me to send a copy of this email to all CDCs? Thank you.

[redacted]

b6
b7C
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b5

b6
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b7E

-----Original Message-----
From: [redacted] (FBI)
Sent: Friday, March 23, 2007 12:26 PM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: IOB Issues Relating to the Inspection Division's Audit

~~SECRET~~
~~RECORD-IOB~~

b6
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-----Original Message-----
From: [redacted] (OGC) (FBI)

NSL VIO-28927

b6
b7C

Sent: Wednesday, March 21, 2007 4:22 PM
To: HQ-Div09-NSLB; FBI_ALL CDCs; CAPRONI, VALERIE E. (OGC) (FBI) [redacted]
[redacted] (INSD) (FBI)
Subject: IOB Issues Relating to the Inspection Division's Audit

~~SECRET~~ (S)
~~RECORD IOB~~

As a result of the Department of Justice, Office of the Inspector General's recent report relating to the FBI's use of National Security Letters, the Inspection Division currently is auditing several field offices regarding the FBI's use of NSLs. The Office of the General Counsel has been receiving many questions regarding whether errors identified during the audit should be reported to OGC as potential Intelligence Oversight Board (IOB) matters. In light of these questions, a copy of the November 16, 2006 "Revised Procedures for the Submission of Reports of Potential Intelligence Oversight Board Matters" is attached to this email for your convenience. Further, additional guidance is listed below.

b6
b7C

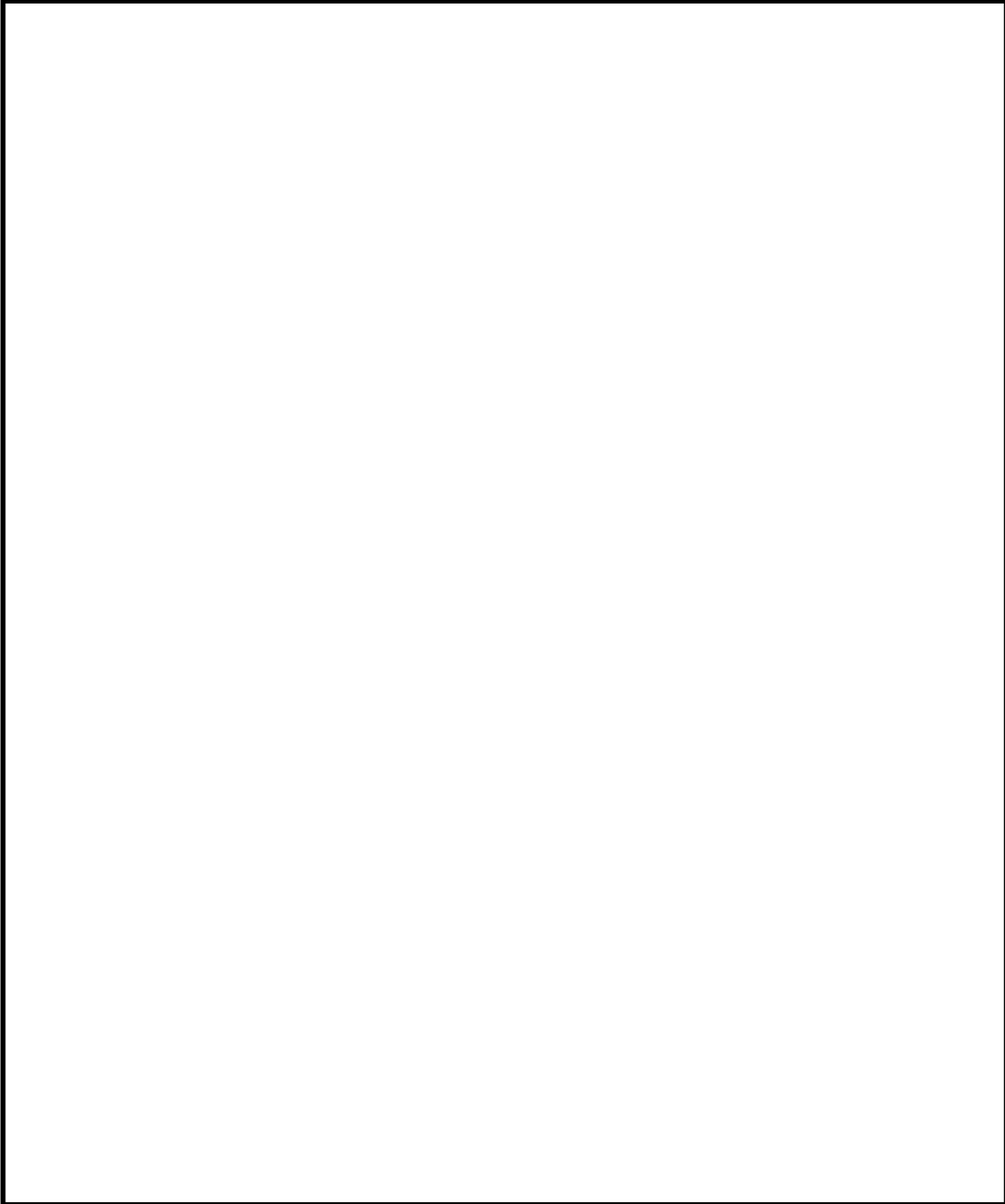
The AIIPs are directed by the Inspection Division to note any deviation or error. Then, this information is passed to the CDC to determine if a matter should be reported to OGC as a potential IOB matter. It is expected that the AIIPs will note many more issues than the CDCs will report to OGC for adjudication as potential IOB matters. Even so, OGC is encouraging overreporting of errors as potential IOB matters. If you have any questions about OGC's guidance relating to IOB matters, please contact [redacted]

In addition to the November 16, 2006 IOB guidance, OGC has highlighted the following issues based upon conversations with CDCs from around the country.

The following incidents are reportable as potential IOBs matters for adjudication by OGC:



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b5

<< File: IOB Attachment #1--Nov162006POLICY.wpd >>

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NSL VIO-28929

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign
CounterIntelligence Investigations
DECLASSIFICATION EXEMPTION 1
SECRET~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign
CounterIntelligence Investigations
DECLASSIFICATION EXEMPTION 1
SECRET~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign
CounterIntelligence Investigations
DECLASSIFICATION EXEMPTION 1
SECRET~~

UNCLASSIFIED

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From: [redacted] (FBI)
Sent: Friday, March 23, 2007 12:57 PM
To: THOMAS, JULIE F. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (INSD) (FBI)
Subject: RE: IOB Issues Relating to the Inspection Division's Audit
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NON-RECORD

DECLASSIFIED BY 65179 DMH/KSR/JE
ON 11-29-2007

Not the most clear language

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

b2
b7E
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From: THOMAS, JULIE F. (OGC) (FBI)
Sent: Friday, March 23, 2007 8:05 AM
To: [redacted] (OGC) (FBI); [redacted] (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (INSD) (FBI); FBI ALL CDCs
Subject: RE: IOB Issues Relating to the Inspection Division's Audit

UNCLASSIFIED Duplicate 3/23/07 email this file
NON-RECORD



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b7C

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

From: [redacted] (OGC) Duplicate 3/23/07 email this file
Sent: Friday, March 23, 2007 8:02 AM
To: [redacted] (FBI)
Cc: THOMAS, JULIE F. (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: IOB Issues Relating to the Inspection Division's Audit



b2
b7E
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-----Original Message-----

From: [redacted] (FBI)
Sent: Thursday, March 22, 2007 3:44 PM
To: [redacted] (OGC) (FBI)
Subject: FW: IOB Issues Relating to the Inspection Division's Audit

~~SECRET~~
~~REGORD IOB~~

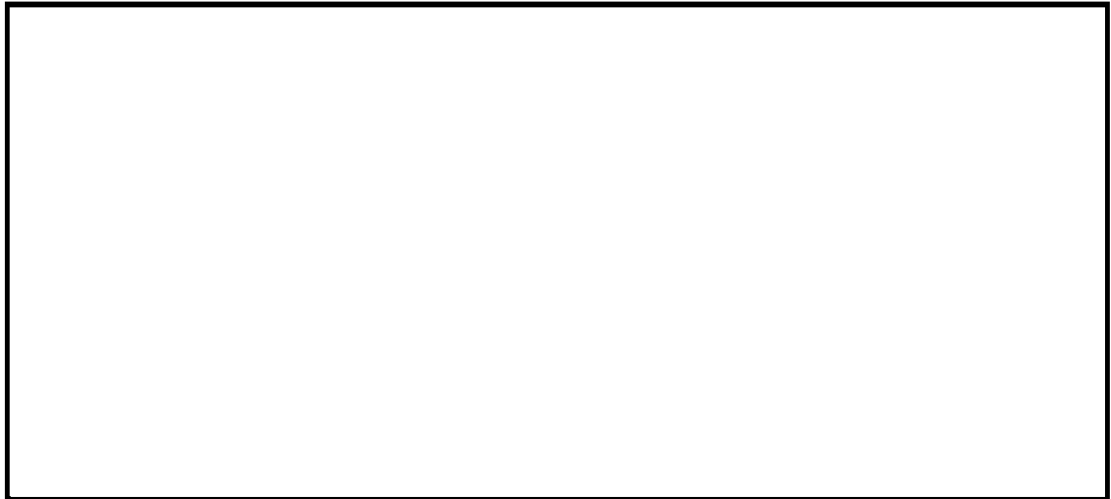
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b2
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-----Original Message-----
From: [redacted] (FBI)
Sent: Thursday, March 22, 2007 4:42 PM
To: [redacted] (OGC) (FBI)
Subject: RE: IOB Issues Relating to the Inspection Division's Audit

~~SECRET~~
~~RECORD IOB~~ Duplicate 3/22/07 email this file



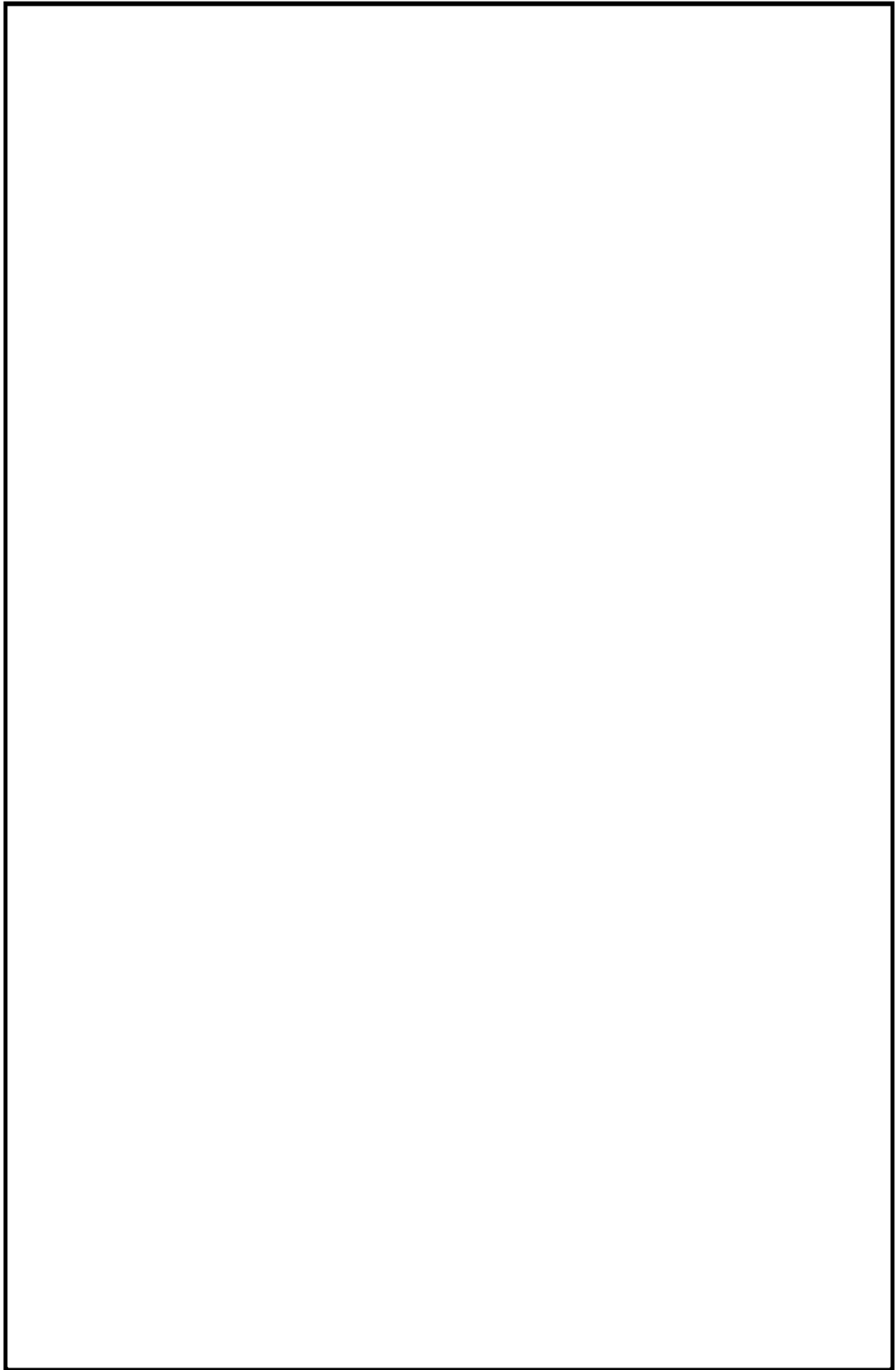
b2
b7E
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-----Original Message-----
From: [redacted] (OGC) (FBI)
Sent: Wednesday, March 21, 2007 4:22 PM
To: HQ-Div09-NSLB; FBI_ALL CDCs; CAPRONI, VALERIE E. (OGC) (FBI) [redacted]
[redacted] (INSD) (FBI)
Subject: IOB Issues Relating to the Inspection Division's Audit

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NSL VIO-28933

Duplicate



<< File: IOB Attachment #1--Nov162006POLICY.wpd >>

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CounterIntelligence Investigations
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CounterIntelligence Investigations
DECLASSIFICATION EXEMPTION 1
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~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign
CounterIntelligence Investigations
DECLASSIFICATION EXEMPTION 1
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UNCLASSIFIED

UNCLASSIFIED

NSL VIO-28934

~~SECRET~~

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b1

(S)

From: THOMAS, JULIE F. (OGC) (FBI)
Sent: Monday, March 26, 2007 11:09 AM
To: [redacted] (OGC) (FBI) [redacted] (OGC) (FBI) [redacted] (OGC) (FBI)
Subject: RE: NSL fo [redacted]
UNCLASSIFIED
NON-RECORD

Yes. Hope to have answers today.

Julie F. Thomas
DGC, National Security Law Branch
Office of the General Counsel
Room 7975
202-324 [redacted]
202-324 [redacted] (fax)

b2

[redacted]

b6
b7C
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b7E
b1

(S)

-----Original Message-----
From: [redacted] (OGC) (FBI)
Sent: Monday, March 26, 2007 7:43 AM
To: [redacted] (FBI) [redacted] (OGC) (FBI) [redacted] (OGC)
Cc: THOMAS, JULIE F. (OGC) (FBI)
Subject: RE: NSL fo [redacted]

I think we are still debating this one, per our roundtable on Friday. Is that correct, Julie?

b6
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b7D

(S)

-----Original Message-----
From: [redacted] (FBI)
Sent: Friday, March 23, 2007 3:45 PM
To: [redacted] (OGC) (FBI) [redacted] (OGC) (FBI) [redacted] (OGC) (FBI)
Subject: FW: NSL fo [redacted]
SECRET
RECORD

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

[redacted] is this a reportable PIOB.

b6
b7C
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b7E
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(S)

-----Original Mess
From: [redacted] (FBI)
Sent: Friday, March 23, 2007 2:46 PM
To: [redacted] (FBI)
Cc: [redacted] (FBI)
Subject: NSL fo [redacted]

DATE: 11-29-2007
CLASSIFIED BY: 65179 DMH/KSP/JB
REASON: 1.4 (c)
DECLASSIFY ON: 11-29-2032

SECRET
RECORD

[redacted]
[redacted]

~~SECRET~~ NSL VIO-28935

~~SECRET~~

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Standing by,



~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign
CounterIntelligence Investigations
DECLASSIFY ON: 20320323
SECRET~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign
CounterIntelligence Investigations
DECLASSIFY ON: 20320323
SECRET~~

UNCLASSIFIED

~~SECRET~~

NSL VIO-28936

~~SECRET~~

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From: [redacted] (OGC) (FBI)
Sent: Monday, March 26, 2007 11:18 AM
To: [redacted] (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC)
Subject: RE: NSL for [redacted]
**UNCLASSIFIED
NON-RECORD**

(S)

[redacted]

b6
b7C
b5

Julie F. Thomas
DGC, National Security Law Branch
Office of the General Counsel
Room 7975
202-324- [redacted]
202-324- [redacted] (fax)

b2

DATE: 11-29-2007
CLASSIFIED BY: 65179 DMH/KSR/JB
REASON: 1.4 (c)
DECLASSIFY ON: 11-29-2032

b6
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(S)

-----Original Message-----
From: [redacted] (FBI)
Sent: Monday, March 26, 2007 8:56 AM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: THOMAS, JULIE F. (OGC) (FBI)
Subject: RE: NSL for [redacted]
**SECRET
RECORD** [redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

OK [redacted]
[redacted]

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(S)

-----Original Message-----
From: [redacted] (OGC) (FBI)
Sent: Monday, March 26, 2007 7:43 AM
To: [redacted] (FBI); [redacted] (OGC) (FBI); [redacted] (OGC)
Cc: THOMAS, JULIE F. (OGC) (FBI)
Subject: RE: NSL for [redacted] Duplicate 3/26/07 email this file

[redacted]

-----Original Message-----
From: [redacted] (FBI)
Sent: Friday, March 23, 2007 3:45 PM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: FW: NSL for [redacted]

(S)

**SECRET
RECORD** [redacted]

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~~SECRET~~ NSL VIO-28937

~~SECRET~~

Duplicate

[Redacted]

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-----Original Message-----
From: [Redacted] (FBI)
Sent: Friday, March 23, 2007, 2:46 PM
To: [Redacted] (FBI)
Cc: [Redacted] (FBI)
Subject: NSL for [Redacted]

(S)

~~SECRET~~
~~RECORD~~

[Redacted]

[Large Redacted Area]

(S)

Duplicate 3/23/07 email this file

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations~~
~~DECLASSIFY ON: 20320323~~
~~SECRET~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations~~
~~DECLASSIFY ON: 20320323~~
~~SECRET~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations~~
~~DECLASSIFY ON: 20320323~~
~~SECRET~~

~~SECRET~~

NSL VIO-28938

From: THOMAS, JULIE F. (OGC) (FBI)
Sent: Wednesday, March 21, 2007 9:23 AM
To: [redacted] (OGC) (FBI); [redacted] (OGC)(FBI); [redacted] (OGC)(FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); LAMMERT, ELAINE N. (OGC) (FBI)
Subject: RE: NSL info [redacted]

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UNCLASSIFIED
NON-RECORD

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HEREIN IS UNCLASSIFIED
DATE 11-29-2007 BY: 65179 DMH/KSR/JE

Thank you.

Julie F. Thomas
DGC, National Security Law Branch
Office of the General Counsel
Room 7975
202-324-[redacted]
202-324-[redacted] (fax)

b2

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b7C

[redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Wednesday, March 21, 2007 9:20 AM
To: [redacted] (OGC)(FBI); THOMAS, JULIE F. (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted]
Subject: RE: NSL info [redacted]; LAMMERT, ELAINE N. (OGC) (FBI)

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UNCLASSIFIED
NON-RECORD

Access to the NSLs in [redacted] was shut down two days ago. We sent [redacted] back. Everything regarding NSLs is on hold.

b2
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[redacted]

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

From: [redacted] (OGC)(FBI)
Sent: Tuesday, March 20, 2007 7:21 PM
To: [redacted] (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted]
Subject: RE: NSL info [redacted]; LAMMERT, ELAINE N. (OGC) (FBI)

UNCLASSIFIED
NON-RECORD

My opinion of [redacted] has changed [redacted]
[redacted]

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b5
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[Redacted]

Assistant General Counsel
National Security Law Branch
Office of General Counsel FBI
202-324-[Redacted]

[Redacted]
202-324-[Redacted]

Voice
Pager
Secure Fax
Fax

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

From: [Redacted] (OGC) (FBI)
Sent: Monday, March 19, 2007 1:09 PM
To: THOMAS, JULIE F. (OGC) (FBI); [Redacted] (OGC) (FBI)
Cc: [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI); LAMMERT, ELAINE N. (OGC) (FBI)
Subject: RE: NSL info [Redacted]

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UNCLASSIFIED
NON-RECORD

The EC does require [Redacted]

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Since I don't have the full picture, I'll defer to NSL B regarding whether information [Redacted] I've advised [Redacted] to hold [Redacted] pending further guidance.

[Redacted]

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

From: THOMAS, JULIE F. (OGC) (FBI)
Sent: Monday, March 19, 2007 11:48 AM
To: [Redacted] (OGC) (FBI)
Cc: [Redacted] (OGC) (FBI)
Subject: RE: NSL info [Redacted]

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UNCLASSIFIED
NON-RECORD

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My recollection is [Redacted] in light of the OIG report, the ongoing inspections in the field office and other [Redacted] issues, I recommend [Redacted] do you concur?

Julie F. Thomas
DGC, National Security Law Branch

Office of the General Counsel
Room 7975
202-324- [redacted]
202-324- [redacted] (fax)

b2

[redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Monday, March 19, 2007 11:38 AM
To: THOMAS, JULIE F. (OGC) (FBI)
Cc: [redacted] (OGC) (FBI) [redacted]
[redacted] (FBI) [redacted] (OGC) (FBI)
Subject: NSL info [redacted]

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Julie, [redacted]
[redacted]

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Assistant General Counsel
National Security Law Branch
Office of General Counsel, FBI
202-324- [redacted]

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SENSITIVE BUT UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

~~SECRET~~

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From: [redacted] (FBI)
Sent: Wednesday, March 28, 2007 11:34 AM
To: THOMAS, JULIE F. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: NSL Results from [redacted]
UNCLASSIFIED
NON-RECORD
DATE: 11-30-2007
CLASSIFIED BY: 65179 DMH/KSR/JE
REASON: 1.4 (c)
DECLASSIFY ON: 11-30-2032

b5

Thanks - pls view our question as [redacted]
[redacted]

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-----Original Message-----
From: THOMAS, JULIE F. (OGC) (FBI)
Sent: Wednesday, March 28, 2007 11:13 AM
To: [redacted] (FBI); [redacted] (OGC) (FBI); [redacted] (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: NSL Results from [redacted]
UNCLASSIFIED
NON-RECORD
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

I am asking for a policy call from the GC who is on the Hill with the DD.

Julie F. Thomas
DGC, National Security Law Branch
Office of the General Counsel
Room 7975
202-324-[redacted] b2
202-324-[redacted] (fax)

b6
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-----Original Message-----
From: [redacted] (FBI)
Sent: Wednesday, March 28, 2007 11:03 AM
To: [redacted] (OGC) (FBI); [redacted] (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: NSL Results from [redacted]

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(S) **SECRET**
RECORD [redacted]

[redacted]

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-----Original Message-----
From: [redacted] (OGC) (FBI)
Sent: Wednesday, March 28, 2007 10:19 AM
To: [redacted] (FBI); [redacted] (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: NSL Results from [redacted]

~~SECRET~~

NSL VIO-28947

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~~SECRET~~
~~RECORD~~

[Redacted]

[Redacted]

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

From: [Redacted] (FBI)
Sent: Wednesday, March 28, 2007 9:12 AM
To: [Redacted] (OGC) (FBI); [Redacted] (FBI)
Cc: [Redacted] (OGC) (FBI); [Redacted] (OGC)(FBI); [Redacted] (OGC)(FBI); [Redacted] (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI); [Redacted] (OGC) (FBI)
Subject: RE: NSL Results from [Redacted]

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[Redacted]

So the current NSLB guidance is [Redacted]
[Redacted]

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

From: [Redacted] (OGC) (FBI)
Sent: Tuesday, March 27, 2007 4:01 PM
To: [Redacted] (FBI)
Cc: [Redacted] (OGC) (FBI); [Redacted] (FBI); [Redacted] (OGC)(FBI); [Redacted] (OGC) (FBI)
Subject: RE: NSL Results from [Redacted]

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[Redacted]

We haven't made a determination but for the time being, [Redacted]
[Redacted]

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

From: [Redacted] (FBI)
Sent: Tuesday, March 27, 2007 1:13 PM
To: [Redacted] (OGC) (FBI); [Redacted] (OGC)
[Redacted] (FBI); [Redacted] (OGC)(FBI)
Cc: [Redacted] (FBI); [Redacted] (FBI)
Subject: FW: NSL Results from [Redacted]

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[Redacted]

Has NSLB made a final determination regarding [Redacted]

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[Redacted]

Office of Division Counsel

~~SECRET~~

NSL VIO-28948

~~SECRET~~

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-----Original Message-----
From: [redacted] (FBI)
Sent: Monday, March 26, 2007 12:25 PM
To: [redacted] (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC)
[redacted] (FBI); [redacted] (OGC) (FBI)
Subject: RE: NSL Results from [redacted]

(S)

~~SECRET RECORD~~ [redacted]

The interim NSL B policy is [redacted]
[redacted]

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-----Original Message-----
From: [redacted] (FBI)
Sent: Monday, March 26, 2007 9:06 AM
To: [redacted] (FBI); [redacted]
[redacted] (FBI)
Subject: FW: NSL Results from [redacted]

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~~SECRET RECORD~~ [redacted]

[redacted] this is the email that i sent to you last week about [redacted]
[redacted] I will not review the data until we get word
from OGC on how to handle this issue.

Thanks [redacted]

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-----Original Message-----
From: [redacted] (FBI)
Sent: Wednesday, March 21, 2007 1:18 PM
To: [redacted] (FBI); [redacted]
[redacted] (FBI)
Subject: FW: NSL Results from [redacted]

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(S)

~~SECRET RECORD~~ [redacted]

[redacted]
I just received [redacted]
[redacted]

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[redacted] What should I do [redacted]

~~SECRET~~ NSL VIO-28949

~~SECRET~~

b6
b7C

Thanks [redacted]

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

From: [redacted] (FBI)
Sent: Tuesday, March 20, 2007 6:15 PM
To: [redacted] (FBI)
Subject: NSL Results from [redacted]

(S)

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Hi [redacted]

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I've attached a copy of the information obtained [redacted] following my delivery of your NSL request. I will forward the CD containing this same information with my outgoing FD542 responding to your lead. Please let me know if you need any additional information or have any questions.



~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97,
Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20320320
SECRET~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97,
Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20320320
SECRET~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97,
Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20320320
SECRET~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97,
Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20320320
SECRET~~

~~SECRET~~

NSL VIO-28950

~~SECRET~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97,
Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20320320
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~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign
CounterIntelligence Investigations
DECLASSIFY ON: 20320320
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CounterIntelligence Investigations
DECLASSIFY ON: 20320320
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CounterIntelligence Investigations
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Counterintelligence Investigations
DECLASSIFY ON: 20320320
SECRET~~

UNCLASSIFIED

UNCLASSIFIED

~~SECRET~~ NSL VIO-28951

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From: THOMAS, JULIE F. (OGC) (FBI)
Sent: Wednesday, March 28, 2007 7:49 AM
To: [redacted] (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: Receipt of Information in Response to NSLs

UNCLASSIFIED
NON-RECORD

Dear [redacted]

Thanks for your comments. I am copying the persons who are working these issues for me.

Due to the OIG report, OGC is being asked to review all guidance in this regard, suggest statutory changes, etc. [redacted]

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[redacted]

FYI [redacted] have been very difficult for us in light of [redacted]. We are working these issues intently. Please have patience.

Julie F. Thomas
DGC, National Security Law Branch
Office of the General Counsel
Room 7975
202-324-[redacted] b2
202-324-[redacted] (fax)

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DATE 11-30-2007 BY 65179 DMH/KSR/JE

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

From: [redacted] (FBI)
Sent: Monday, March 26, 2007 12:36 PM
To: THOMAS, JULIE F. (OGC) (FBI)
Subject: RE: Receipt of Information in Response to NSLs

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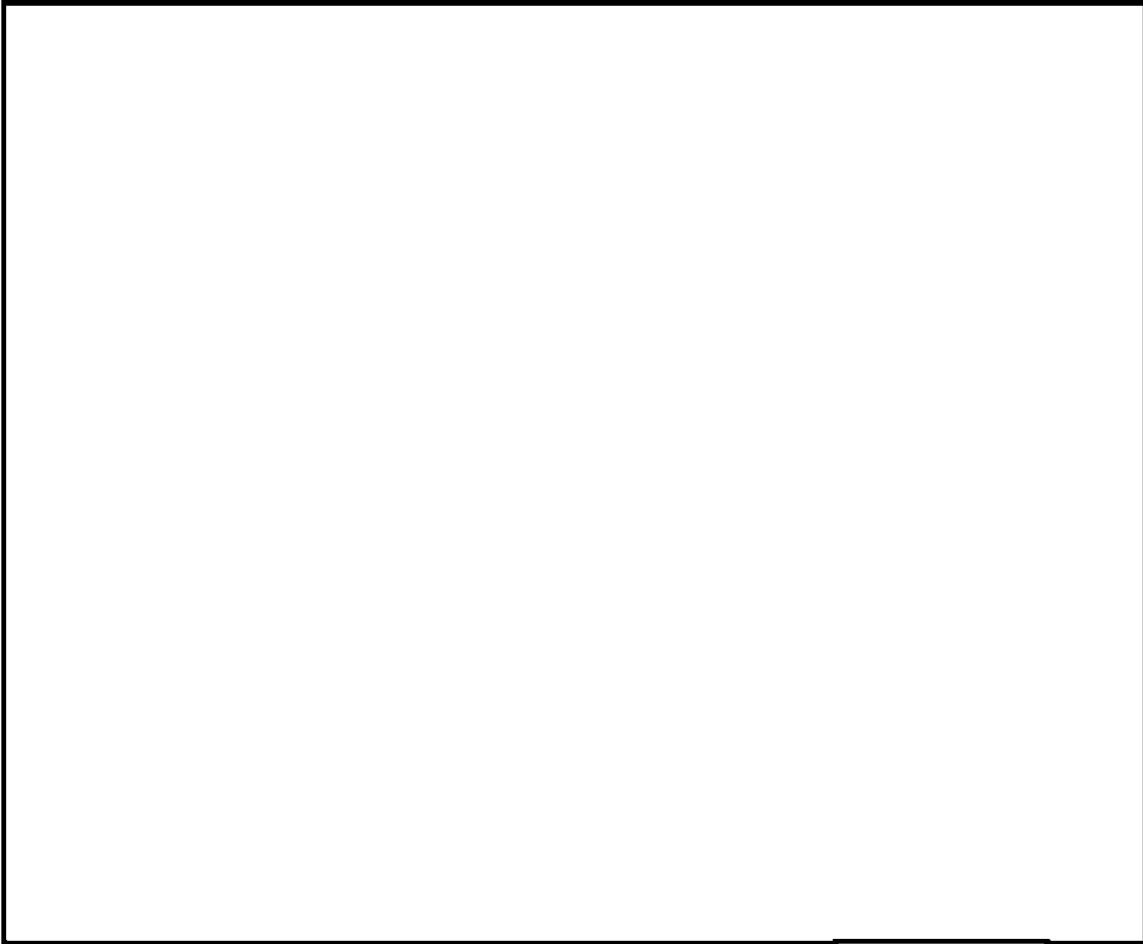
UNCLASSIFIED
NON-RECORD

Julie: I am sending this message to you directly as I don't wish to engage in an "ALL CDC" forum, but I am curious as to OGC's reasoning in regard to [redacted]

[redacted]

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I do hope this opinion some thought. I am also curious as to



Respectfully,

CDC

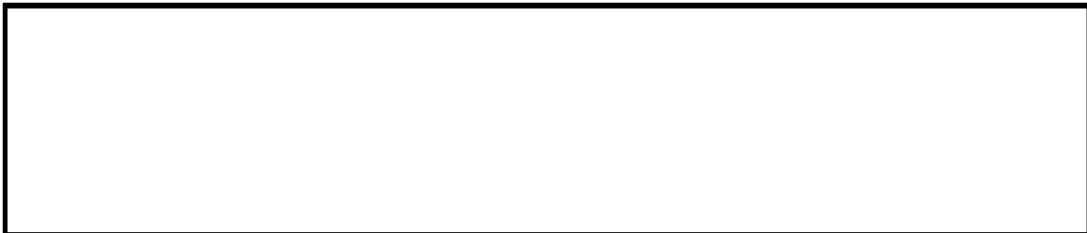
-----Original Message-----

From: THOMAS, JULIE F. (OGC) (FBI)
Sent: Thursday, March 22, 2007 8:07 AM
To: FBI ALL CDCs; HQ-Div09-NSLB
Cc: (INSD) (FBI); CAPRONI, VALERIE E. (OGC) (FBI)
Subject: Receipt of Information in Response to NSLs

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UNCLASSIFIED
NON-RECORD

Duplicate 3/22/07 email this file





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From: [redacted] (FBI)
Sent: Wednesday, March 28, 2007 11:02 AM
To: THOMAS, JULIE F. (OGC) (FBI)
Cc: [redacted] (OGC) (FBI) [redacted] (OGC) (FBI)
Subject: RE: Receipt of Information in Response to NSLs

UNCLASSIFIED
NON-RECORD

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DATE 11-30-2007 BY 65179 DMH/KSR/JB

Hi Julie,

Thanks for your response.

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[redacted]
[redacted] If you want perspective from the field, I would be
happy to provide same. Let me know if I can help in any way.

Best,

[redacted]
Chief Division Counsel
FBI [redacted]

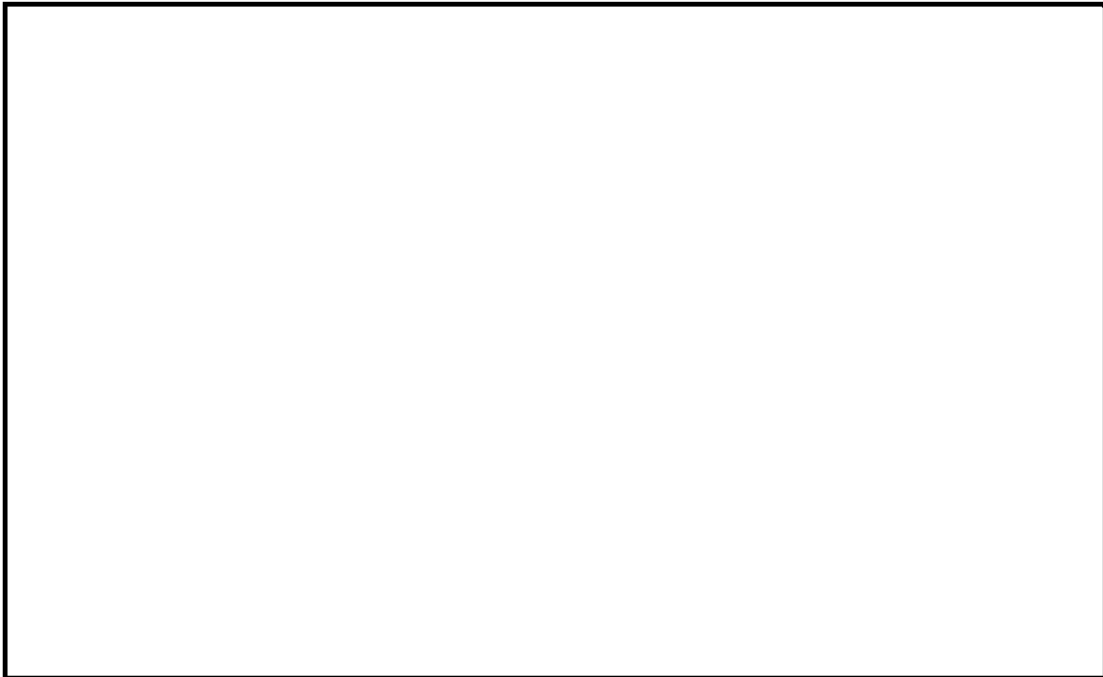
-----Original Message-----

From: THOMAS, JULIE F. (OGC) (FBI)
Sent: Wednesday, March 28, 2007 6:49 AM
To: [redacted] (FBI)
Cc: [redacted] (OGC) (FBI) [redacted] (OGC) (FBI)
Subject: RE: Receipt of Information in Response to NSLs

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UNCLASSIFIED
NON-RECORD

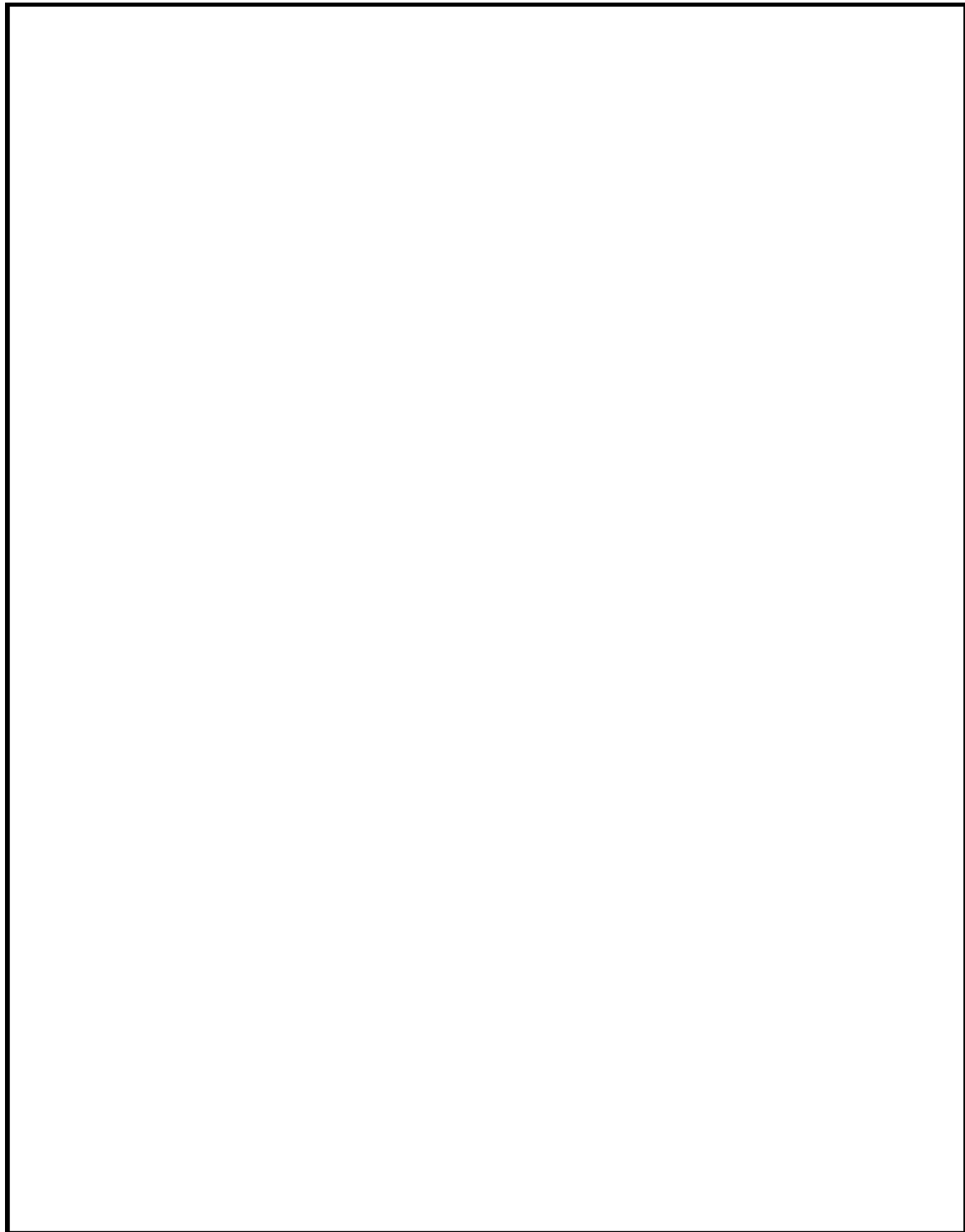
Duplicate 3/26/07 email this file



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b7E

-----Original Message-----
From: [REDACTED] (FBI)
Sent: Monday, March 26, 2007 12:36 PM
To: THOMAS, JULIE F. (OGC) (FBI)
Subject: RE: Receipt of Information in Response to NSLs

UNCLASSIFIED Duplicate 3/26/07 email this file
NON-RECORD



NSL VIO-28956

Duplicate

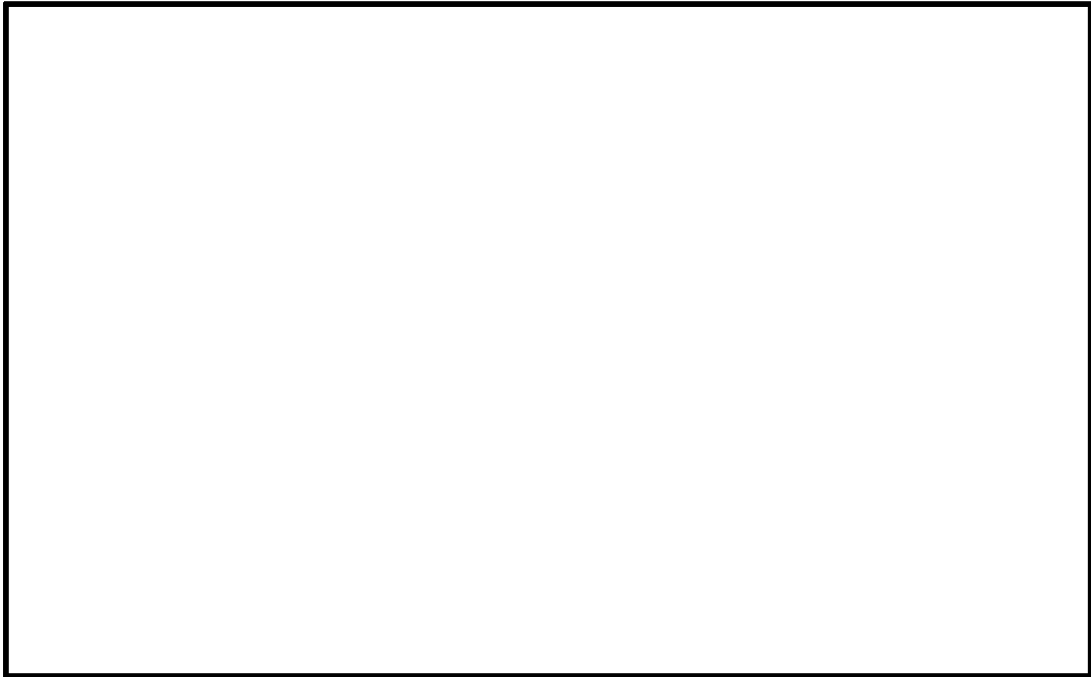


-----Original Message-----

From: THOMAS, JULIE F. (OGC) (FBI)
Sent: Thursday, March 22, 2007 8:07 AM
To: FBI ALL CDCs; HQ-Div09-NSLB
Cc: [REDACTED] (INSD) (FBI); CAPRONI, VALERIE E. (OGC) (FBI)
Subject: Receipt of Information in Response to NSLs

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b7C

UNCLASSIFIED
NON-RECORD Duplicate 3/22/07 email this file



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UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

NSL VIO-28957

From: THOMAS, JULIE F. (OGC) (FBI)
Sent: Thursday, March 22, 2007 12:27 PM
To: FBI_ALL CDCs
Cc: CAPRONI, VALERIE E. (OGC) (FBI); HQ-Div09-NSLB
Subject: Response to Guidance



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Thank you to all for the responses we have been receiving to interim guidance we have been giving. I look forward to those responses but, unfortunately, the press of business will not allow me to respond individually to each. They are being reviewed and will assist us as we craft **permanent** guidance going forward.

I know this is an extremely difficult and uncertain time. OGC/NSLB is doing everything humanly possible to respond to Congress, the OIG, and the field's concerns about the use of NSLs and our other national security tools.

Thank you for your patience.

Julie F. Thomas
DGC, National Security Law Branch
Office of the General Counsel
Room 7975
202-324-
202-324- (fax)



UNCLASSIFIED

b2

NSL VIO-28958

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b7C

From: THOMAS, JULIE F. (OGC) (FBI)
Sent: Wednesday, March 21, 2007 5:00 PM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: Subscriber NSL attachment - FYI

UNCLASSIFIED
NON-RECORD

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HEREIN IS UNCLASSIFIED
DATE 11-30-2007 BY 65179 DMH/KSR/JB

Please don't expect an answer any time soon :-)

Julie F. Thomas
DGC, National Security Law Branch
Office of the General Counsel
Room 7975
202-324- [redacted] b2
202-324- [redacted] (fax)

[redacted]

b6
b7C

-----Original Message-----
From: [redacted] (OGC) (FBI)
Sent: Wednesday, March 21, 2007 4:59 PM
To: THOMAS, JULIE F. (OGC) (FBI); [redacted]
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: FW: Subscriber NSL attachment - FYI

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b7C
b5

Just so you know, the advice we just gave out on subscriber information [redacted] is different from what we have been saying before. I had this issue come up last year and gave the advice below [redacted]. I don't have any record of a response from you. But I know [redacted] is in agreement and was in agreement with this advice. And I didn't think it was controversial. I understand how circumstances change. But I just wanted you to be forewarned that you may receive some emails about this.

b6
b7C
b2
b7E

-----Original Message-----
From: [redacted] (FBI)
Sent: Wednesday, March 21, 2007 3:35 PM
To: [redacted] (OGC) (FBI)
Subject: FW: Subscriber NSL attachment

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted]

Here it is.

[redacted]

b6
b7C
b2
b7E

-----Original Message-----
From: [redacted] (OGC) (FBI)
Sent: Thursday, September 28, 2006 4:43 PM
To: THOMAS, JULIE F. (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (FBI)
Subject: Subscriber NSL attachment

SENSITIVE BUT UNCLASSIFIED

NON-RECORD

Julie - I just approved an attachment, set forth below, for a subscriber NSL. This information is routinely given by the company to whom the NSL was sent. [redacted]

[redacted]

Any problem with this as an attachment to a subscriber NSL [redacted]

[redacted]

b5
b2
b7E
b6
b7C

In preparing your response to this National Security Letter, you should determine whether your company maintains the following types of information which may be considered by you to be subscriber records:

[redacted]

I am going through the form NSLS for the last time before I relinquish my NSL duties, so I would like to get some of my ideas through before [redacted] has to deal with these issues. So if you could let me know about this, as well as the REPA issue that I mentioned to you concerning [redacted]

[redacted]

[redacted]

I would appreciate it.

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

From: THOMAS, JULIE F. (OGC) (FBI)
Sent: Tuesday, December 05, 2006 2:59 PM
To: HQ-Div09-NSLB
Subject: Use of NSLs in Criminal Cases

UNCLASSIFIED
NON-RECORD

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11-30-2007 BY 65179 DMH/KSR/0B

The General Counsel has decided [REDACTED]

b5

[REDACTED]
Julie F. Thomas
DGC, National Security Law Branch
Office of the General Counsel
Room 7975
202-324-[REDACTED]
202-324-[REDACTED] (fax)

b2

UNCLASSIFIED

NSL VIO-28961

