

(Rev. 07-2001) ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

DATE: 06-06-2007  
CLASSIFIED BY 65179/dmh/ksr/cak  
REASON: 1.4 (c)  
DECLASSIFY ON: 06-06-2032

~~SECRET~~/ORCON/NOFORN

# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 05/17/2006

**To:** General Counsel

**Attn:** NSLB

Inspection  
Operational Technology  
Counterterrorism

Julie F. Thomas

**Attn:** IIS

**Attn:** ERF

**Attn:** EOPS

SSA [redacted]

UC [redacted]

**From:** [redacted]

C-5

**Contact:** SA [redacted]

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b7E

**Approved By:** [redacted]

**Drafted By:** [redacted]

dnv

**Case ID #:** (S) 278-HQ-C1229736-VIO (Pending) [redacted]

(S) [redacted]

b1

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTERS

**Synopsis:** (U) Pursuant to NFIPM, Section 2-56, the following is a report of an error in a FISA matter.

(U)

~~(S)~~

~~Derived From : G-3~~

~~Declassify On: X1~~

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**Administrative:** (S)

Reference contact between SA [redacted]

Division and UC [redacted] Electronic

Surveillance Operations & Sharing Unit (EOPS); contact between

SA [redacted] and EE [redacted] Data Intercept Technology Unit

(DITU); contact between SA [redacted] and SSA [redacted]

International Terrorism Operations Section (ITOS); [redacted]

(S)

**Details:** (U) SA [redacted] of the [redacted] Division was participating in a 60-day TDY assignment (02/26/2006 - 04/26/2006) to the Counterterrorism Division, EOPS Unit, when an alleged error in FISA collection occurred.

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~~SECRET~~/ORCON/NOFORN

[redacted]

raw 08/03/06

7/31/06

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263-D-11-500

NSL VIO-850

To: General Counsel From:

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b7E

(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 05/17/2006

(S)

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(S)

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To: General Counsel From: [redacted]  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 05/17/2006

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(S) [redacted]

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(S) [redacted]

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(S) [redacted]

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(S) [redacted]

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(S) [redacted]

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(S) [redacted]

b1  
b7A

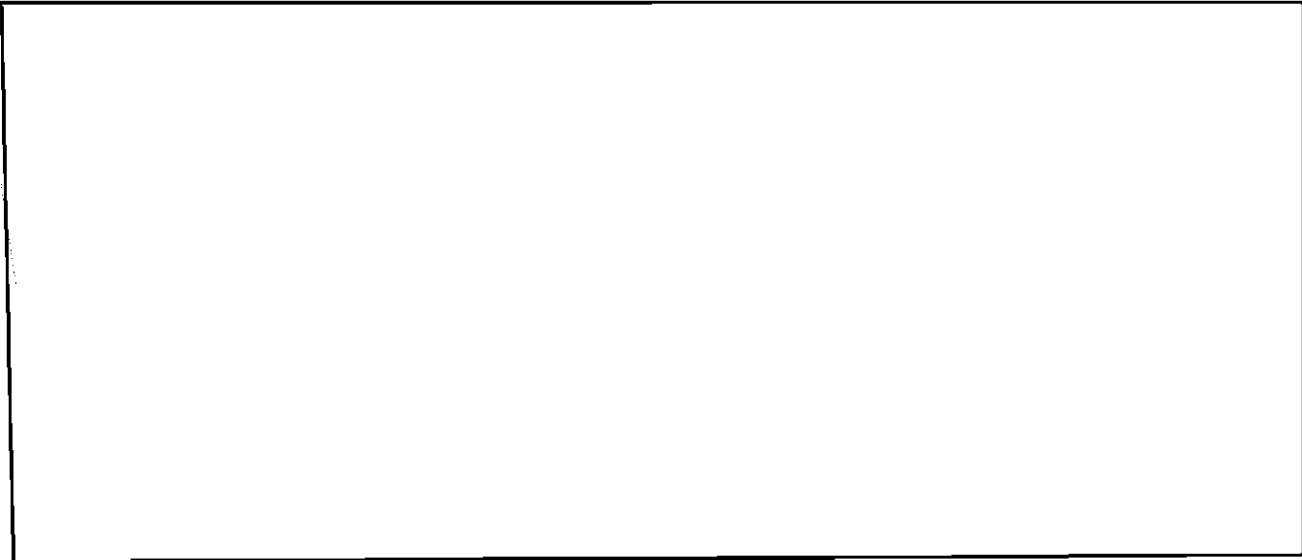
(S) [redacted]

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To: General Counsel From:   
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 05/17/2006

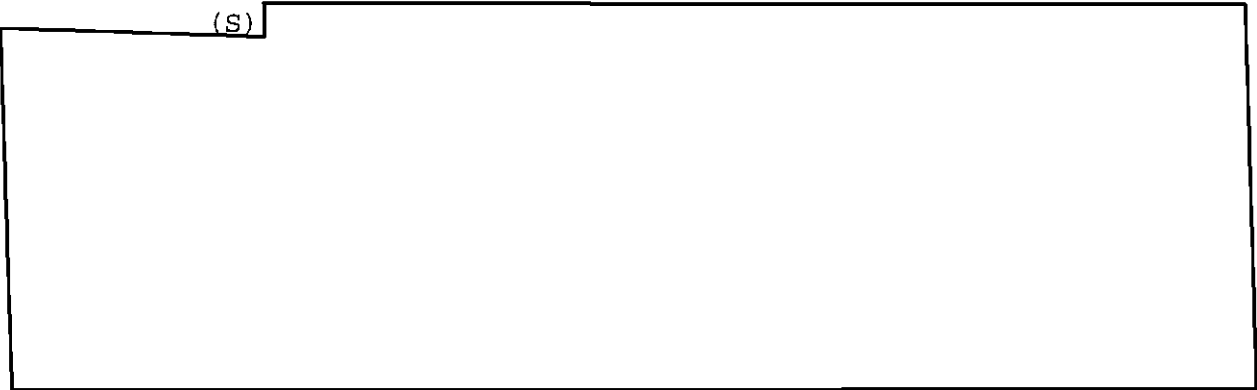
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~~SECRET~~/ORCON/NOFORN

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To: General Counsel From:   
(U) Re: ~~S~~ 278-HQ-C1229736-VIO, 05/17/2006

LEAD(s):

Set Lead 1: (Action)

OPERATIONAL TECHNOLOGY

AT ERF - DITU, QUANTICO, VA

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~~SECRET~~/ORCON/NOFORN

~~SECRET~~

DATE: 06-06-2007  
CLASSIFIED BY 65179/dmh/ksr/eak  
REASON: 1.4 (c)  
DECLASSIFY ON: 06-06-2032

**FEDERAL BUREAU OF INVESTIGATION**

Precedence: DEADLINE 05/12/2006

Date: 05/09/2006

To: General Counsel  
Inspection

Attn: NSLB  
Attn: Internal Investigations

From: [Redacted] RA

Contact: SA [Redacted]

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Approved By: [Redacted]

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

Drafted By: [Redacted] ber

1357

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

278 [Redacted]-C71404 - SA

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Title: SA [Redacted]  
SSRA [Redacted]

INTELLIGENCE OVERSIGHT BOARD (IOB) VIOLATION  
[Redacted] DIVISION

Synopsis: Report of IOB violation for [Redacted] Division.

b2  
b7E

Reference: 278-HQ-C1229736-VIO Serial 355  
278-HQ-C1229736 Serial 1347  
66F-HQ-A1247863 Serial 149  
66F-HQ-A1247863 Serial 172

(S)

Details: [Redacted]

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Contact has been made between writer and  
Counterterrorism ITOS 1/ CONUS 2 to take corrective measures to

[Redacted]

Law 08/03/06

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~~SECRET~~

1/31/06

263-0-U-501

NSL VIO-855

~~SECRET~~

To: General Counsel From: [REDACTED]  
Re: 278-HQ-C1229736-VIO, 05/09/2006

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include an additional extension from FBIHQ and assurance that future IOB violations will not occur.

To avoid future conflicts with pending paperwork between [REDACTED] and FBIHQ all future requests will be submitted with a deadline and a tickler will be set for follow-up. A tickler will be set 30 days prior to expiration of any PIs for submission of extension EC. A follow-up tickler will then be set for 15 days prior to expiration, and a final tickler will be set for five days prior to extension if no approval has been received from FBIHQ.

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~~SECRET~~

To: General Counsel From:   
Re: 278-HQ-C1229736-VIO, 05/09/2006

~~SECRET~~

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LEAD(s):

Set Lead 1: (Discretionary)

GENERAL COUNSEL

AT WASHINGTON, DC

For information and action deemed appropriate.

Set Lead 2: (Discretionary)

INSPECTION

AT WASHINGTON, DC

For information and action deemed appropriate.

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(01/26/1998)

DATE: 05-06-2007  
CLASSIFIED BY 65172/dmh/msr/cak  
REASON: 1.4 (c)  
DECLASSIFY ON: 05-06-2032

~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

Precedence: ROUTINE

Date: 07/17/2006

To: [Redacted]  
Counterterrorism  
Inspection

Attn: SAC, CDC  
Attn: AD, ITOS I, CONUS 2  
Attn: IIS [Redacted]

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From: Office of the General Counsel

NSLB/CTLU I/LX-1 3S100

Contact: [Redacted]

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

Approved By: Thomas Julie F. [Signature]  
[Redacted]

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Drafted By: [Redacted]

Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO (Pending) *1536*

Title: ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD MATTER,  
IOB 2006 [Redacted]

b2

Synopsis: ~~(S)~~ It is the opinion of the Office of the General  
Counsel (OGC) that this matter need not be reported to the  
Intelligence Oversight Board (IOB). Our analysis follows.

~~(U)~~ ~~(S)~~ Derived From : G-3  
Declassify On: 06/20/2031

Reference: ~~(S)~~ 278-HQ-C1229736-VIO-1357

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Details: ~~(S)~~ By electronic communication (EC) from [Redacted] dated May  
9, 2006, The [Redacted] Field Office reported possible IOB error in  
conjunction with a counterterrorism investigation.

~~SECRET~~

OIG/DOJ REVIEW: [Redacted]  
FBI INVESTIGATION: [Redacted]  
OIG/DOJ INVESTIGATION: [Redacted]

DATE: 7/24/06

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NSL VIO-858

~~SECRET~~

To: [redacted] Field Office  
From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO, 07/17/2006

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(S)

[redacted]

(S)

[redacted]

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(U) ~~(S)~~ As required by Executive Order (E.O.) 12863 (Sept. 13, 1993) and Section 2-56 of the National Foreign Intelligence Program Manual (NFIPM), OGC was tasked to determine whether the errors described herein are matters that should be reported to the IOB. We believe that the reported activity does not require IOB notification.

(U) ~~(S)~~ Section II.C.4. of the October 31, 2003 AG Guidelines states in pertinent part:

(S)

[redacted]

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To: [redacted] Field Office  
From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO, 07/17/2006

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(S)

[redacted]

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(U) ~~(S)~~ The Attorney General's Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations (NSIG) provision regarding the duration of Preliminary Investigations is primarily administrative in nature. It was designed in part to protect the rights of United States persons by limiting the length of time that the FBI can conduct a PI without periodic oversight by the proper authorities.

~~(S)~~ In this instance, OGC is not required to report the potential IOB error because the only investigative activity which [redacted] undertook with respect to the non-USPER subject was to have the results of previously served NSLs analyzed. [redacted]

(S)

[redacted]

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(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 any error which may have been committed by Atlanta need not be reported to the IOB.

(U) OGC requests that the Inspection Division retain a record of the report of a potential IOB matter for three years, together with a copy of this opinion for possible review by the Counsel to the IOB.

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~~SECRET~~

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To: [redacted] Field Office  
From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO, 07/17/2006

LEAD(s):

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) OGC requests that the Inspection Division retain a record of the report of a potential IOB matter for three years, together with a copy of this opinion for possible review by the Counsel to the IOB.

Set Lead 2: (Info)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) Read and clear.

Set Lead 3: (Action)

[redacted]

AT [redacted]

b2  
b7E

(U) For action deemed appropriate.

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

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**FEDERAL BUREAU OF INVESTIGATION**

Precedence: ROUTINE

Date: 06/07/2006

To: Inspection  
General Counsel

Attn: IIS, Room 11861  
Attn: NSLB, Room 7975

From: [Redacted]

Sq 8

Contact: SSA [Redacted]

b2  
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Approved By: [Redacted]

Drafted By: [Redacted]

Case ID #: ~~(S)~~ 278-HO-C1229736-VIO-1456  
(S) [Redacted]

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Title: (U) SA [Redacted]  
A/SSA [Redacted]  
INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

b6  
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(U) Synopsis: ~~(S)~~ To report possible IOB error.

(U) ~~(S)~~ Derived From: G-3  
Declassify On: 06/07/2016

Details:

(S) 1. [Redacted]

b1

(S) 2. [Redacted]

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

b1

(S) [Redacted]

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

(S) [Redacted]

[Redacted]

~~SECRET~~

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*7/31/06*

NSL VIO-862

263-0-11-509

To: Inspection From:

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b7E

(S) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 06/07/2006

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b7C

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~~SECRET~~

To: Inspection From:   
Re: (S) 278-HQ-C1229736-VIO, 06/07/2006

b2  
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LEAD(s):

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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~~SECRET~~  
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NSL VIO-864

~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

Precedence: ROUTINE

Date: 07/14/2006

To: [Redacted]

Attn: CDC  
Attn: SSA [Redacted]

Counterintelligence  
Inspection

Attn: CD-3D  
Attn: IIS  
CRS [Redacted]

b2  
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b7C

From: Office of the General Counsel  
National Security Law Branch/CILU/Room 7947  
Contact: AGC [Redacted]

Approved By: Thomas Julie F. [Signature] [Redacted] *236*

Drafted By: [Redacted] *mjg 1537*

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

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

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

(U) ~~Derived From : G-3  
Declassify On: 25X1~~ b1  
b2  
b7E

Reference: (S) [Redacted]

(U) Details: ~~(S)~~ By way of Electronic Communication dated 06/07/2006  
(the "EC"), the [Redacted] field office  
[Redacted] requested that OGC review the facts of the  
captioned matter and determine whether it warrants reporting to  
the IOB. In our opinion, it does not. Our analysis follows. b2  
b7E

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OIG/DOJ REVIEW: [Redacted]  
FBI INVESTIGATION: [Redacted]  
OIG/DOJ INVESTIGATION: [Redacted]  
DATE: 7/24/06  
*M*

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NSL VIO-865



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(S) [Redacted]

(S) [Redacted]

b1

(S) [Redacted]

b1

(S) [Redacted]

b1  
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(S) [Redacted]

b1  
b6  
b7C

(S) [Redacted]

b1  
b6  
b7C

(U) ~~(S)~~ [Redacted] timely brought this matter to the attention of the FBI OGC, National Security Law Branch, and the FBI Inspection Division. OGC and the Inspection Division received the matter for review and handling on 6/28/2006.

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b7E

(U) ~~(S)~~ Section 2-56 of the National Foreign Intelligence Policy Manual (NFIPM) requires the OGC to determine whether the facts discussed above must be reported to the IOB.

(U) Section 2.4 of Executive Order (EO) 12863, dated September 13, 1993, mandates that Inspectors General and the General Counsel of Intelligence Community components (in the FBI, the Assistant Director, Inspection Division, and OGC respectively), report to the IOB all information "concerning intelligence activities that they have reason to believe may be

~~SECRET~~

unlawful or contrary to Executive Order or Presidential Directive".

(U) ~~(S)~~ In this case, [redacted] failure to extend or close the Investigation prior to the date that the Investigation expired constitutes an administrative oversight and was not an attempt to circumvent the preliminary investigation process. Support for this position lies in the fact that the reason for this oversight appears to be the original agent's retirement combined with the subsequently assigned agent's review of the Investigation's file in order to become familiar with the facts therein. Once SA [redacted] was familiar with the Investigation, she was able to determine whether to resume the Investigation or close it.

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(U) ~~(S)~~ Moreover, the late extension request was de minimus. No investigation took place during the time that the Investigation had expired. SA [redacted] commenced a timely review of the File and discovered that an NSL was outstanding in the Investigation. SA [redacted] then waited until the requested extension of the Investigation was granted before collecting the documents pursuant to the authority under the NSL.

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(U) ~~(S)~~ Based upon the foregoing, this matter will not be reported to the IOB, but will be placed in the control file for a period of three (3) years for review by the Counsel to the IOB.

~~SECRET~~

NSL VIO-867

~~SECRET~~

LEAD(s):

Set Lead 1: (Info)

[REDACTED]

AT

[REDACTED]

(U) Read and clear.

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Set Lead 2: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) Read and clear.

Set Lead 3: (Discretionary)

INSPECTION

AT WASHINGTON, DC

(U) INSD should retain a record of the report of the potential IOB matter, as well as a copy of the OGC opinion concluding that IOB notification is not required, for three (3) years, for possible review by the Counsel to the IOB.

CC: Ms. Thomas

[REDACTED]

IOB Library

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NSL VIO-868

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ALL INFORMATION CONTAINED  
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WHERE SHOWN OTHERWISE

# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** DEADLINE 06/14/2006

**Date:** 06/30/2006

**To:** General Counsel

**Attn:** NSLB

Inspection Division

**Attn:** Internal Investigations  
Section

b2  
b7E  
b6  
b7C

**From:** [Redacted]

SAC Squad

**Contact:** ASAC [Redacted]

DATE: 06-06-2007  
CLASSIFIED BY: 65179/dmh/ksr/cak  
REASON: 1.4 (c)  
DECLASSIFY ON: 06-06-2032

**Approved By:** [Redacted]

**Drafted By:** [Redacted] WC

**Case ID #:** (U) 278-HQ-C1229736-VIO (Pending) - 1474  
(U) 278-AT-C71404-93

b6  
b7C

**Title:** (U) SA [Redacted]  
SSA [Redacted]  
INTELLIGENCE OVERSIGHT BOARD (IOB) VIOLATION  
ATLANTA DIVISION

**Synopsis:** (U) Report of IOB violation for Atlanta Division.

**Reference:** (U) 278-HQ-C1229736 Serial 355  
278-HQ-C1229736 Serial 1347  
66F-HQ-A1247863 Serial 149  
66F-HQ-A1247863 Serial 172

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**Details:** (S) [Redacted]

[Redacted]

(S)

[Redacted]

b1  
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(S) [Redacted]

[Redacted]

*See 08/03/06*

~~SECRET~~

*[Signature]*  
7/31/06

263-0-0-511

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b7D  
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b6  
b7C

NSL VIO-869

*admission of violation to...*

To: General Counsel From:   
Re: 278-HQ-C1229736-VI, 06/30/2006

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b7D

(U) This report is made past deadline due to administrative oversight.

~~SECRET~~

~~SECRET~~

To: General Counsel From:   
Re: 278-HQ-C1229736-VI, 06/30/2006

b2  
b7E

LEAD(s) :

**Set Lead 1: (Discretionary)**

GENERAL COUNSEL

AT WASHINGTON, DC

For information and action deemed appropriate.

**Set Lead 2: (Discretionary)**

INSPECTION

AT WASHINGTON, DC

For information and action deemed appropriate.

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**FEDERAL BUREAU OF INVESTIGATION**

**Precedence:** DEADLINE 06/14/2006

**Date:** 07/06/2006

**To:** General Counsel

**Attn:** NSLB

Inspection Division

**Attn:** Internal Investigations  
Section

**From:** [Redacted]

IT-1/JTTF

**Contact:** SA [Redacted]

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

**Approved By:** [Redacted]

b2  
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**Drafted By:** [Redacted]

wc *mc*

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

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(U) 278-AT-C71404 (Pending)

b2

(S)

[Redacted]

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b2  
b7E

**Title:** (U) SA [Redacted]

SSA [Redacted]

INTELLIGENCE OVERSIGHT BOARD (IOB) VIOLATION  
[Redacted] DIVISION

**Synopsis:** (U) Correction of telephone number included in report  
of IOB violation for [Redacted] Division.

b2  
b7E  
b1

**Reference:** (U) 278-HQ-C1229736-VIO Serial 1474

278-AT-C71404 Serial 93

(S)

[Redacted]

b1

**Details:** (S)

[Redacted]

(S)

[Redacted]

b1  
b7D

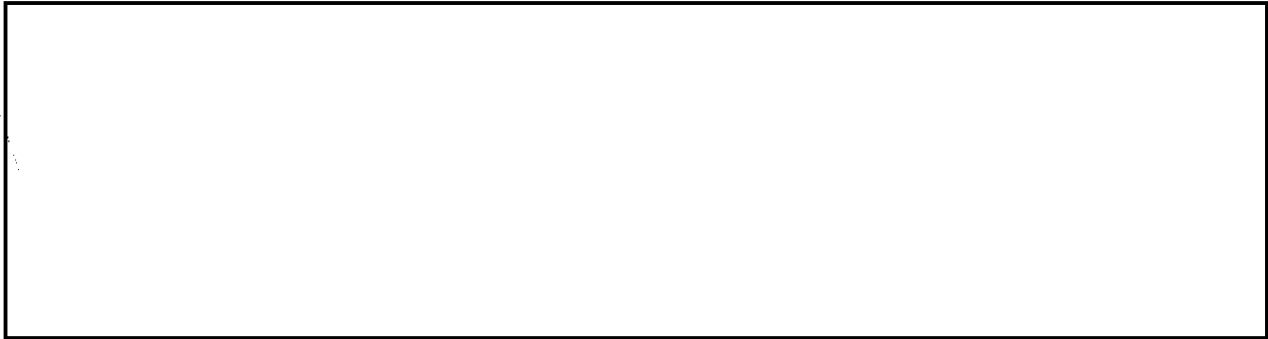
~~SECRET~~

~~SECRET~~

To: General Counsel From:   
Re: 278-HQ-C1229736-VIO, 07/06/2006

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To: General Counsel From:   
Re: 278-HQ-C1229736-VIO, 07/06/2006

b2  
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**LEAD(s):**

**Set Lead 1: (Discretionary)**

GENERAL COUNSEL

AT WASHINGTON, DC

For information and action deemed appropriate.

**Set Lead 2: (Discretionary)**

INSPECTION

AT WASHINGTON, DC

For information and action deemed appropriate.

◆◆187wc01.ec

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NSL VIO-874

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**FEDERAL BUREAU OF INVESTIGATION**

**Precedence:** ROUTINE

**Date:** 7/11/2006

**To:** [Redacted]

**Attn:** [Redacted]  
SAC Squad

Inspection

**Attn:** Internal Investigative Section  
Attn: [Redacted] Room 11865

**From:** General Counsel  
National Security Law Branch/CTLU 1/LX-1 3S-100  
**Contact:** [Redacted]

b2  
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b6  
b7C

**Approved By:** Thomas Julie F  
[Redacted]

**Drafted By:** [Redacted] jkf

(U)

**Case ID #:** ~~(S)~~ 278-HQ-C1229736-VIO - 1500

**Title:** (U) Intelligence Oversight Board  
(IOB) Matter 2006-[Redacted] b2

(U)

**Synopsis:** ~~(S)~~ It is the opinion of the Office of the General Counsel (OGC) that the above referenced matter need not be reported to the Intelligence Oversight Board (IOB). Our analysis follows.

(U)

~~(S)~~

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

(U)

**Reference:** ~~(S)~~ 278-HQ-C1229736-VIO Serial 1474 (Pending)  
~~(S)~~ 278-AT-C71404 Serial 93 (Pending)  
(S) [Redacted]

b1

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

(U)

**Details:** ~~(S)~~ By electronic communication (EC) dated June 30, 2006 and referenced above, the [Redacted] Division [Redacted] reported to the OGC's National Security Law Branch (NSLB) and the Inspection Division this potential IOB matter.

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~~SECRET~~

OIG/DOJ REVIEW:  
FBI INVESTIGATION:  
OIG/DOJ INVESTIGATION:

DATE: 7/26/06

(1)

NSL VIO-875

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To: Counterterrorism From: General Counsel  
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 7/11/2006

**BACKGROUND**

(S) [Redacted]

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

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

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**ANALYSIS**

(S) [Redacted]

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(S) [Redacted]

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To: Counterterrorism From: General Counsel

(U) ~~(S)~~ 273-HQ-C1229736-VIO, 7/11/2006

(U) ~~(S)~~ As required by Executive Order (E.O.) 12863 (Sept. 13, 1993) and Section 2-56 of the National Foreign Intelligence Program Manual (NFIPM), OGC was tasked to determine whether the errors described here are matters that should be reported to the IOB. We believe that the reported activity does not require IOB notification.

(U) Section 2.4 of E.O. 12863 mandates that the heads of Intelligence Community components report all information to the IOB that it deems necessary to carry out its responsibilities. That section requires Inspectors General and General Counsel of the Intelligence Community to report "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 guidelines or regulations approved by the Attorney General, in accordance with E.O. 12333, if such provision was designed in full or in part to protect the individual rights of a United States person. This includes violations of agency procedures issued under E.O. 12333, unless they involve purely administrative matters.<sup>3</sup> For the FBI, OGC submits reports to the IOB.<sup>4</sup>

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NSIG

(Introduction) at 4. Section 2-56 of the NFIPM identifies as reportable to the IOB unauthorized investigations, the use of unlawful methods and techniques, exceeding the authorized scope

(U) ~~(S)~~ See EC from Inspection Division to All Divisions; Title: Revised Procedures for the Submission of Reports of Potential Intelligence Oversight Board (IOB) Matters, Case ID # 66F-HQ-A1247863 Serial 172 at 5-6 (2/10/2005). The FBI is required to maintain for three years records of administrative violations, for possible review by the Counsel to the IOB, together with a copy of the opinion concerning the basis for the determination that IOB notification was not required. Id. at 6.

(U) ~~(S)~~ See id. at 4.

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To: Counterterrorism From: General Counsel  
Rev: ~~(S)~~ 278-HQ-C1229736-VIO, 7/11/2006

of permitted activities, and failing to adhere to minimization requirements.<sup>5</sup>

(U) ~~(S)~~ In this instance, the FBI sought telephone records for a telephone number believed to be used by the investigative subject based on current information,<sup>6</sup> and obtained electronic data on a telephone number via an NSL that was properly authorized. Thus, the investigative method was authorized for purposes of E.O. 12333. See National Foreign Intelligence Program Manual (NFIPM) Section 2-56.G.5. Accordingly, this need not be reported to the IOB pursuant to Section 2.4 of E.O. 12863.

<sup>5</sup> ~~(S)~~ See also id. at 5, identifying reportable matters as including: (1) activities believed to be unlawful or contrary to Executive Orders or Presidential directives; (2) suspected violations of the Constitution; (3)

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[redacted] (5) initiating a form of electronic surveillance or a search without authorization from the FISC, or failing to terminate an authorized surveillance at the time prescribed by the Court; and (6) failing to adhere to the minimization or dissemination requirements specified in a FISC Order.

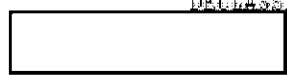
<sup>6</sup> (S) [redacted]

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ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

(Rev. 01-31-20)



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# FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 07/10/2006

To: Inspection  
Counterterrorism

Attn: IIS  
Attn: ITOS 1/CONUS 4/Team 15

SSA [Redacted]

IA [Redacted]

Attn: SSA [Redacted]

SA [Redacted]

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From: General Counsel

National Security Law Branch/CTLU I/LX-1 3S-123

Contact: [Redacted]

Approved By: Thomas Julie F. [Signature]

Drafted By: [Redacted] kdm

(U)

Case ID #: (S) 278-HQ-C1229736-VIO (Pending) <sup>1521</sup>  
(S) 278-[Redacted]-136372 (Pending)

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Title: (S) INTELLIGENCE OVERSIGHT BOARD (IOB) <sup>84</sup>  
MATTER 2006-[Redacted]

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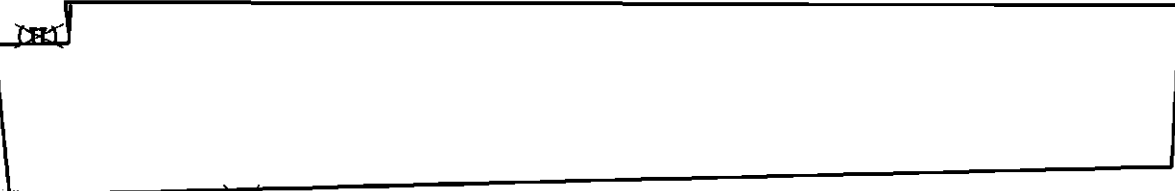
Synopsis: (S) It is the opinion of the Office of General Counsel (OGC) that this matter need not be reported to the Intelligence Oversight Board (IOB). Our analysis follows.

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Derived From: G-3  
Declassify On: 07/10/2031

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Reference: (S) 278-HQ-C1229736-VIO Serial 1453

(S) 278-[Redacted]-136372 Serial 62



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OGC/DOJ REVIEW: [Redacted]  
FBI INVESTIGATION: [Redacted]  
OGC/DOJ INVESTIGATION: [Redacted]

DATE: 7-11-06

NSL VIO-879

~~SECRET~~

To: Inspection From: General Counsel

(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 07/10/2006

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(U) ~~(S)~~ Details: ~~(S)~~ By Electronic Communications (EC) dated June 15, 2006 and referenced above, the [redacted] Division reported this potential IOB matter.

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(S) [redacted]

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(U) <sup>1</sup> Safeguards are now in place to prevent such problems in the future. [redacted] has disseminated a revised "sample" EC, to ensure that the correct items will be placed in the lead and attention blocks. Furthermore, FBI HQ (CTD) instructed the field to forebear all investigative activity prior to the receipt of written authorization granting extensions.

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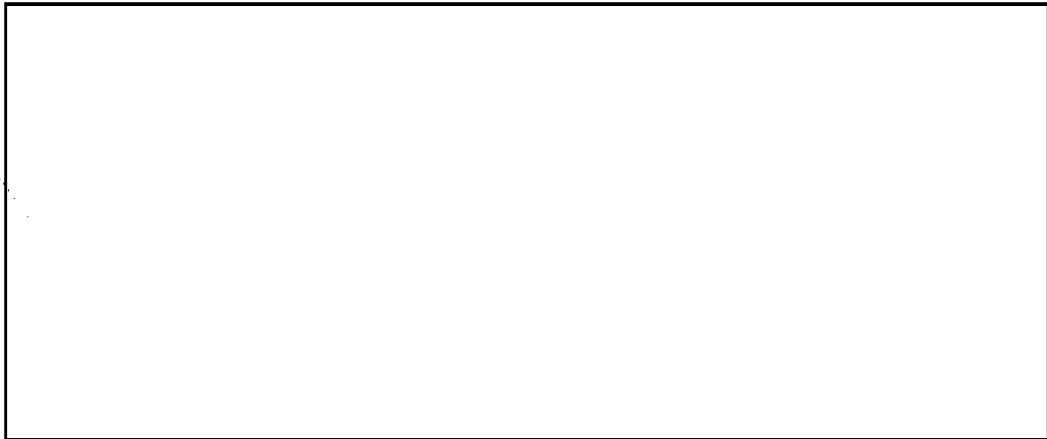
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To: Inspection From: General Counsel  
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 07/10/2006

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

(U) ~~(S)~~ With regard to the continuation of an FBI PI, Section II.C.4 of the NSIG provides in pertinent part that:

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(U) ~~(S)~~ Although this provision of the NSIG is primarily administrative in nature, it was designed in part to protect the rights of U.S. persons by limiting the length of time that the FBI can conduct a PI without periodic oversight.

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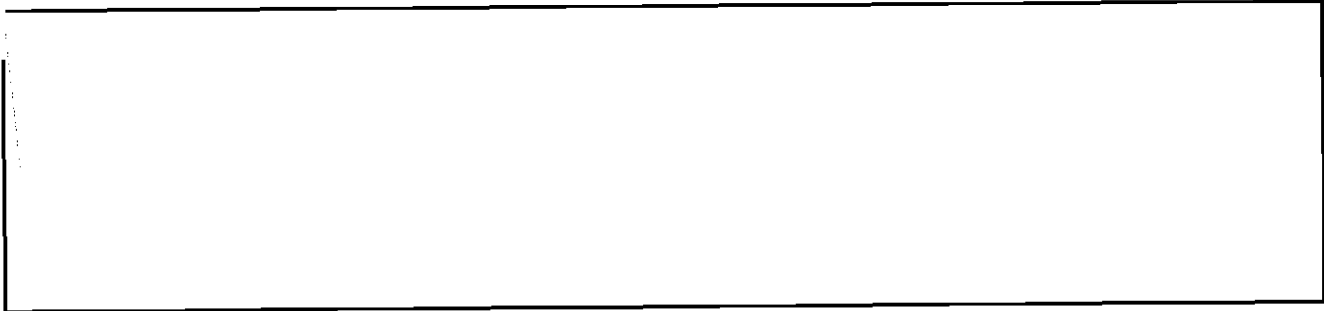


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To: Inspection From: General Counsel  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 07/10/2006

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(U) OGC requests that the Inspection Division retain a record of the report of a potential IOB matter for three years, together with a copy of this opinion for possible review by the Counsel to the IOB.

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<sup>2</sup>(U) Section II.A.1 of the NSIG, which is about Threat Assessments, provides in pertinent part that:

The FBI may, without opening a preliminary or full investigation, engage in the following activities to investigate or collect information relating to threats to the national security, including information on individuals

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In the NSIG, Section VIII, the definition of publicly available includes "information that ..... is obtained by visiting any place or attending any event that is open to the public." (U)

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(U) To: Inspection From: General Counsel  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 07/10/2006

LEAD(s):

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) OGC requests that the Inspection Division retain a record of the report of a potential IOB matter for three years, together with a copy of this opinion for possible review by the Counsel to the IOB.

Set Lead 2: (Info)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) Read and clear.

Set Lead 3: (Discretionary)

[Redacted]

AT

[Redacted]

(U) For action deemed appropriate.

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To: Counterterrorism From: General Counsel  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 7/11/2006  
(U)

**LEAD(s) :**

**Set Lead 1: (Discretionary)**

[REDACTED]

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AT

[REDACTED]

(U) For review and action deemed appropriate.

**Set Lead 2: (Discretionary)**

COUNTERTERRORISM

AT ITOS1/CONUS 2, WASHINGTON, DC

(U) For review and action deemed appropriate.

**Set Lead 3: (Action)**

INSPECTION

AT WASHINGTON, DC

(U) As provided in the Revised Procedures for the Submission of Reports of Potential Intelligence Oversight Board (IOB) Matters, retain a record of the report of a potential IOB matter for three years for possible review by the Counsel to the IOB, together with a copy of the OGC opinion concerning the basis for the determination that IOB notification is not required.

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