

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 05/28/2003

To: Director's Office
General Counsel

Attn: Robert J. Jordan,
OPR, Rm. 7129
Kenneth L. Wainstein,
National Security Law Unit
Rm. 7975

From: Inspection
Inspection Management Unit/Room 7837
Contact: [Redacted]

Approved By: [Redacted]

Drafted By: [Redacted]

DATE: 05-25-2007
CLASSIFIED BY 65179dmh/kse/p
REASON: 1.4 (c,d)
DECLASSIFY ON: 05-25-2032
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(U) Case ID #: ~~(S)~~ 278-HQ-1425173 ² (Pending)

(U) Title: ~~(S)~~ SSA [Redacted]
[Redacted] DIVISION
IOB MATTER
2003 [Redacted]

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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

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

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

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

263-HQ-0-0-177

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

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

Title: [Redacted]
~~(S)~~ File number [Redacted]

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JUN 2003
OPR/ADMIN UNIT

NSL VIO-1

REC-100
6/18/03

263-HQ-0-0-177

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To: Director's Office From: Inspection
(c) Re: ~~(S)~~ 278-HQ-1425173, 05/28/2003 NSL VIO-2

(S)

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[Redacted] was obtained through the source without issuance of a National Security Letter (NSL).

(U) ~~(S)~~ On 04/25/2003, SA [Redacted] and SSA [Redacted] were made aware of the oversight, and were directed to obtain NSLs for the period in question. CDC [Redacted] subsequently discussed the issue with the division [Redacted] (not further identified) and it was anticipated division personnel would be made aware [Redacted] without a NSL." [See referenced communication for details.]

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To: Director's Office From: Inspection
Re: ~~(S)~~ 278-HQ-1425173, 05/28/2003NSL VIO-3

LEAD(s):

Set Lead 1: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) ~~(S)~~ Upon review of the attached EC, determine whether the information is a reportable IOB violation. If it is determined, a reportable IOB violation exists, prepare an appropriate letter and LHM from Chief Counsel Kenneth L. Wainstein, OGC, forwarding matter to the IOB.

Set Lead 2: (Action)

DIRECTOR'S OFFICE

(U) AT OPR FO, DC

~~(S)~~ Attached EC is provided to OPR pursuant to the NFIP Manual, Part 1, Section 2-56. OPR is requested to review the information to determine whether disciplinary action is warranted.

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NSL VIO-4

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 04/25/2003

To: Inspection

Attn: Inspection Management Unit
Room 7837

Office of General Counsel

Attn: National Security Law Unit

From: [Redacted]

Squad 16A

Contact: [Redacted]

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

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

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Title: (U) SSA [Redacted]
SA [Redacted] DIVISION
IOB

(S)

(U)

Synopsis: ~~(S)~~ This communication reports an Intelligence Oversight Board and possible OPR matter [Redacted]
[Redacted]

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

Details: (S) [Redacted]
[Redacted]

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(S) [Redacted]

[Redacted]

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DATE: 05-30-2007
CLASSIFIED BY: 65179dmn/ksr/prs
REASON: 1.4 (c,d)
DECLASSIFY ON: 05-30-2032

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To: Inspection From: [redacted] NSL VIO-5
Re: (U) 278-HQ-C1229736-VIO, 04/25/2003

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probationary SA at the time this matter commenced, who was under the direct Supervision of SSA [redacted]

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(U) The controlling legal authority in this matter is 18 U.S.C. Section 2709, Counterintelligence access to Telephone Toll and Transactional Records. Simply stated, requires that the FBI obtain Billing and Subscriber information through the issuance of a National Security Letter (NSL).

(U) [redacted]

(S) [redacted]

(S) [redacted] without the issuance of a NSL. It should be noted that SA [redacted]

(S) [redacted] and obtained information relevant to substantive [redacted]

(S) [redacted]

[Large redacted block]

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SSA [redacted] began to have doubts as to this matter and instructed SA [redacted] to consult with [redacted] Associate Division Counsel, SA [redacted] SA [redacted] contacted SSA [redacted] on 04/24/2003, advising of the legal insufficiency, the IOB reporting requirement and possible OPR matter. SSA [redacted] subsequently advised SAC [redacted] and this communication was drafted on 04/25/2003.

(U)

(U) In a discussion with CDC [redacted] and ADC [redacted] on 04/25/2003, SSA [redacted] agreed that the preparation of a NSL for [redacted] would obtain the [redacted] information as set forth in 18 U.S.C. 2709, and the information would not have to be removed from investigative files. CDC discussion with [redacted] will result in advice to [redacted] investigative personnel of this issue and the preclusion against [redacted] without a NSL.

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To: Inspection From: NSL VIO-6
Re: (U) 278-HQ-C1229736-VIO, 04/25/2003

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----- Working Copy -----
NSL VIO-7

Precedence: ROUTINE

Date: 01/20/2004

To: General Counsel

Attn: National Security Law Branch,
Room 7975

From: [Redacted]

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CI-2
Contact: SA [Redacted]

Approved By: [Redacted]

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Drafted By: [Redacted]

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

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

(U) Synopsis: ~~(S)~~ Possible IOB error for Electronic Surveillance conduct on a target that was not authorized by FISA Order.

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

Details:

(S) [Redacted]

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

(S) [Redacted]

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

(S) [Redacted]

[Redacted]

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Case ID : 278-HQ-C1229736-VIO
278 [Redacted] C57694

Serial : 350
17

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
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DATE: 05-30-2007
CLASSIFIED BY 65179dmh/ksc/pes
REASON: 1.4 (c/d)
DECLASSIFY ON: 05-30-2032

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~~(S)~~ In addition, CL [Redacted] notified SA [Redacted] via an internal "Problem Report Form" of the malfunction she had detected. SA [Redacted] is serving as the back-up administrative agent while SA [Redacted] is on a Temporary Duty Assignment (TDY) to FBIHQ for a period of 60 days. With the assistance of ISA [Redacted] SA [Redacted] determined

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NSL VIO-9

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SSA [Redacted] of FBIHQ as to the recurrence of the problem detected December 9, 2003.

(S) [Redacted]

[Redacted]

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(S) [Redacted]

[Redacted]

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(U) ~~(S)~~ Finally, [Redacted] Division did not, at any time, index or enter any of the inadvertently intercepted information into an FBI database or other FBI information retrieval system.
LEAD(s):

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Set Lead 1: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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----- Working Copy -----
NSL VIO-10

Precedence: ROUTINE

Date: 02/20/2004

To: [Redacted] b2
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Attn: ASAC FCI/Administrative
CDC

Counterintelligence

Attn: CD-3A

Director's Office

Attn: Office of Professional
Responsibility

From: General Counsel

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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National Security Law Branch (D-5000)
Contact: [Redacted]

Approved By: Curran, John E

DATE: 05-31-2007
CLASSIFIED BY 65179dmh/kex/pks
REASON: 1.4 (c/d)
DECLASSIFY ON: 05-31-2032

Drafted By: [Redacted]

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

Title: ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD
(U) (IOB) MATTER 2004 [Redacted] b2

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

(U) ~~(S)~~ Derived from: G-3 OIG/DOJ Review: [Redacted] DATE: 7/13/05
Declassify on: X-1 FBI INVEST: [Redacted] DOJ INVEST:
(U) OPR UC INITIALS: [Redacted]

Reference: ~~(S)~~ 278-HQ-C1229736-VIO Serial 350

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

(S) Details: ~~(S)~~ By electronic communication (EC) dated January 20,
2004 (cited below), [Redacted] Division [Redacted] reported a
possible IOB error in conjunction with its ongoing counter
intelligence investigation [Redacted]

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Case ID : 278-HQ-C1229736-VIO
278 [Redacted] C57694

Serial : 379
18

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NSL VIO-II

[Redacted]

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[Redacted] Once the error was realized [Redacted]

[Redacted] was forwarded to FBIHQ for submission to the Office of Intelligence Policy and Review (OIPR), Department of Justice (DOJ), and the FISC for destruction.

(U) ~~(S)~~

[Redacted]

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(S)

This material was also sequestered and submitted to OIPR and the FISC for destruction.

(U) ~~(S)~~ As required by Executive Order (E.O.) 12863 and Section 2-56 of the National Foreign Intelligence Program Manual (NFIPM), OGC was tasked to determine whether the surveillance errors described here are matters which must be reported to the IOB. They must.

(S)

(U) Section 2.4 of E.O. 12863, dated 09/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division, and the General Counsel, OGC, respectively) report to the IOB all information "concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive." In this instance, [Redacted]

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(S)

[Redacted] were done without the authorization required by law. Consequently, in accordance with E.O. 12863 and Section 2-56 of the NFIPM, the error must be reported to the IOB, which this Office will do.

Lead(s) :

Set Lead 1: (Adm)

[Redacted]

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NSL VIO-12

Page 3

(U) Read and clear.

Set Lead 2: (Action)

COUNTERINTELLIGENCE DIVISION

AT WASHINGTON, DC

(U) CD-3A is requested to ensure that the unauthorized "take" described in the [redacted] EC 278-HQ- C12229736-VIO Serial 350 has been submitted, via the Office of Intelligence Policy and Review, Department of Justice, to the FISC for destruction. b2 b7E

Set Lead 3: (Action)

DIRECTOR'S OFFICE

AT OPR, FO, DC

(U) For review and action deemed appropriate.

1 - Mr. Curran
1 - [redacted] b6
1 - [redacted] b7C
1 - NSLB IOB Library

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NSL VIO-13

February 27, 2004

BY COURIER

General Brent Scowcroft (USAF Retired)
Chairman
Intelligence Oversight Board
New Executive Office Building
Washington, D.C.

Dear General Scowcroft:

This letter forwards for your information a self-explanatory enclosure entitled "Intelligence Oversight Board (IOB) Matter, [redacted] Division, IOB Matter 2004 [redacted] (U)

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

Enclosure

- 1 - Mr. Szady
- 1 - Mr. Curran
- 1 - SSA [redacted]
- ① - OPR [redacted]
- 1 - 278-HQ-C1229736-VIO-380

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UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE

- Dep. Dir.
- Chief of Staff
- Off. of Gen. Counsel
- Asst. Dir.:
- Admin. Serv.
- Com. Inv.
- CJIS
- Finance
- Info. Res.
- Lab.
- National Sec.
- OPR
- Off. of Public & Cong. Affs.
- Training
- Off. of EFOA
- Director's Office

Derived from : G-3
Declassify on: X1 DECLASSIFIED BY 65179dmh/kaf/ptc
ON 05-31-2007

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~~SECRET~~ NSL VIO-14

General Brent Scowcroft (USAF Retired)

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,

John F. Curran
Deputy General Counsel

- 1 - The Honorable John D. Ashcroft
Attorney General
U.S. Department of Justice
Room 5111
- 1 - Mr. H. Marshall Jarrett
Counsel, Office of Professional Responsibility
U.S. Department of Justice
Room 4304
- 1 - Mr. James Baker
Counsel, Office of Intelligence Policy and Review
U.S. Department of Justice
Room 6150

JUNES
2/13/04

APPROVED: *JFC 2/25/04*

Crim. Inv. _____	Inspection _____	Training _____
CJIS _____	Laboratory _____	Off. of EEO _____
Finance _____	National Sec. _____	Affairs _____
Director _____	Gen. Counsel _____	Off. of Public & _____
Deputy Director _____	Info. Res. _____	Personnel _____
		Cong. Affs. _____

- 2 -
~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[redacted] DIVISION b2
IOB MATTER 2004 [redacted] U) b7E

(U) ~~(S)~~

[redacted]

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[redacted] As soon as the error was realized [redacted]
[redacted] was transferred [redacted]

[redacted] was forwarded to FBI Headquarters for submission to the Office of Intelligence Policy and Review (OIPR), Department of Justice, and the FISC for destruction.

(U) ~~(S)~~

[redacted]

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[redacted] This material was also sequestered and submitted to OIPR and the FISC for destruction.

(U) This matter has been reported to the FBI's Office of Professional Responsibility for appropriate action.

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

77c 2/25/04

*JWMS
2/17/04*

SE **APPROVED:** Crim. Inv. _____ Inspection _____ Training _____
C.I.S. _____ Laboratory _____ Off. of EEO _____
Finance _____ National Sec. _____ Affairs _____
Director _____ Gen. Counsel _____ OPR _____ Off. of Public _____
Deputy Director _____ Info. Res. _____ Personnel _____ Cong. Affs. _____

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 07/21/2005

To: General Counsel

Attn: NSLB

From: Inspection

Internal Investigations Section IPU, Room 11102

Contact: CRS [redacted] Ext. [redacted]

Approved By: Fogle Toni Mari

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Drafted By: [redacted]

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

Title: ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 893
OGC/IOB# 2004 [redacted]

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

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

Reference: ~~(S)~~ 278-HQ-C1229736-VIO Serial 350
278-HQ-C1229736-VIO Serial 379

Details: (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 1/20/2004, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the incident described therein is an administrative issue. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

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DECLASSIFIED BY 65179 dmh/kxl/pes
ON 06-13-2007

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U.S. Department of Justice

Office of the Inspector General
NSL VIO-17

Washington, D.C. 20530

DATE: May 30, 2006

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

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

SUBJECT: OIG Complainant No. 2006002830

Subject: Unidentified

 Division b2
FBI No. Not Assigned b7E

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

IMPORTANT NOTICE

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

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

Attachment

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-31-2007 BY 65179dmh/kse/pls

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Received By: [redacted] b6 Date Received: 07/13/2005 How Received: A
b7C

SUBJECT: Unidentified, FBI SSNO:
Title: UNID Pay Plan: D.O.B.:
Component: FBI EOD Date: Alien No.:
Misc: F.B.I.No.:
Home: B.O.P.No.:
Phone: ZIP: D/L No.:
Work: Charges: 689
Phone: ZIP:

COMPLAINANT: [redacted] SSNO: [redacted]
Title: UNITC Pay Plan: [redacted] D.O.B.:
Component: FBI EOD Date: [redacted] Alien No.:
Misc: F.B.I.No.:
Home: B.O.P.No.:
Phone: ZIP: D/L No.: b6
Work: GENERAL COUNSEL NATIONAL SECURITY LAW UNIT/CILU, WASHINGTON, DC b7C
Phone: (202) [redacted] ZIP: b2
Confidential: Revealed: Authority: none

Details:
The FBI provided information reporting a possible IOB matter involving the interception of unauthorized communications. As a consequence of a typographical error, the FBI [redacted] Division unintentionally obtained unauthorized information.
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ALLEGATIONS: 689 IOB Violation
Occurrence Date: [redacted] /2004 TIME:
CITY: [redacted] b2
Zip: [redacted] b7E

DISPOSITION DATA: Date: 07/13/2005 Disposition: M Approval: POWELL, GLENN G
Referred to Agency: FBI Date Sent: 05/30/2006 Component: FBI
Civil Rights: N Patriot Act: N Sensitive: N
Component Number: Consolidated Case Number:

Remarks:
5/30/06 - Sent to AD Thornton, FBI/INSD. The predicating material will be maintained in a secure container within OIG/INV. (yht)