

Precedence: ROUTINE

Date: 04/25/2003

To: Inspection Attn: Inspection Management Unit
Office of General Counsel Attn: National Security Law Unit
Room 7837

From: [Redacted]

Contact: [Redacted]

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approved By: [Redacted]

DATE: 11-07-2007
CLASSIFIED BY: 65179/dmh/ksr/cak
REASON: 1.4 (c)
DECLASSIFY ON: 11-07-2032

Drafted By:

b1 b7A e ID #: (U) - 278-HQ-C1229736-VIO (Pending)
b2 (S) [Redacted] Pending)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

b7E
b6 title: (U) SSA [Redacted]
SA [Redacted]
[Redacted] DIVISION
IOB

b1 Synopsis: ~~(S)~~ This communication reports an Intelligence
b7A Oversight Board and possible OPR matter with regard to the
investigation of [Redacted]

(U) ~~(S)~~ Derived From: G-3
Declassify On: ~~Y1~~

Details: (S) [Redacted]

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[Redacted]

(S) The activity involved [Redacted] a US Person.

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[Redacted] Case Agent was SA [Redacted] a
probationary SA at the time this matter commenced, who was under
the direct Supervision of SSA [Redacted]

(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

Case ID : 278-HQ-C1229736-VIO
278- [Redacted] -C136372

Serial : 90
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FBI obtain Billing and Subscriber information through the issuance of a National Security Letter (NSL).

(S)

[redacted] SA [redacted] obtained information relevant to the substantive investigation that included billing and or subscriber information without the issuance of a NSL. It should be noted that SA [redacted]

[redacted]

SSA [redacted] in reviewing the information obtained by SA [redacted] prior to signing it into the investigative files of the FBI, was under the erroneous belief that the FISA court orders for electronic surveillance [redacted]

[redacted] which were in place through this time period, were sufficient legal authority for obtaining the subscriber and billing information [redacted] SA [redacted] was instructed by SSA [redacted] to continue [redacted] based on this erroneous belief. The information obtained from [redacted] in most cases corroborated the information regarding [redacted]

[redacted]

[redacted] In a conversation with SA [redacted] subsequent to the [redacted]

SSA [redacted] began to have doubts as to this matter and instructed SA [redacted] to consult with [redacted] 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.

(S) In a discussion with CDC [redacted] and [redacted] on 04/25/2003, SSA [redacted] agreed that the preparation of a NSL for the period [redacted] would obtain the subscriber and billing 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 obtaining billing and subscriber information from [redacted] without a NSL.

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Precedence: PRIORITY

Date: 09/24/2003

To: General Counsel
Counterintelligence

Attn: NSLR
Attn: UC [redacted]
SSA [redacted]
CD-3C Room 4033

b2 From: [redacted]

b7E Contact: SA [redacted]

b6 Approved By: [redacted]

b7C Drafted By: [redacted]

DATE: 11-07-2007
CLASSIFIED BY: 65179/dmh/ksr/cak
REASON: 1.4 (c)
DECLASSIFY ON: 11-07-2032

(U) Case ID #: (S) 278-HQ-C1229736-VIO (Pending)
b1 (S) [redacted] (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD (IOB)
b2 [redacted] DIVISION
b7E INTELLIGENCE OVERSIGHT

(U) Synopsis: ~~(S)~~ To advise of possible (IOB) violation involving
the late submission of a annual Letterhead Memorandum (LHM).

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

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(S) Details: ~~(S)~~ In accordance with reporting requirements relating
to known or suspected Intelligence Oversight Board (IOB)
violations, notification is being made to the General Counsel and
Counterintelligence of an inadvertent delay in the submission of
a annual LHM relating to a Foreign Counterintelligence
Investigation, [redacted]
This LHM dated 08/18/2003, was submitted late to the
Counterintelligence Division at FBIHQ, after it was determined
that subject [redacted] a US Person.

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(S) [redacted]

[Large redacted block]

Case ID : 278-HQ-C1229736-VIO

Serial : 176

(S) 278 [redacted] A60054

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(S)

[Redacted]

[Redacted]

[Redacted] case Agent prepared a cover EC on [Redacted] however did not complete the enclosed LHM until [Redacted] because of being on annual leave and family sick leave from [Redacted]

(S)

[Redacted]

[Redacted] has involved the use of National Security Letter's (NSL) to attempt to obtain telephone toll records [Redacted]

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(S) [Redacted]

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(S) Recently, [Redacted] obtained an NSL for [Redacted] e-mail traffic. [Redacted]

[Redacted]

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(S) [Redacted] Division's failure to submit the annual LHM before the [Redacted] due date was not intentional, but rather an inadvertent oversight. [Redacted] When [Redacted] a LHM was prepared and submitted reflecting [Redacted]

(S) [Redacted] existing tickler system and investigative operating guidelines are intended to prevent such oversight. In this instance, however, no annual LHM tickler was set because [Redacted] is modifying its existing tickler system to require annual [Redacted] of all subjects. This will prevent any future oversights.

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LEAD(s):

Set Lead 1: (Info)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) Read and Clear.

Set Lead 2: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) Read and Clear.

