

**THOMAS, JULIE F. (OGC) (FBI)**

**From:** [redacted] (OGC) (FBI)  
**Sent:** b6 Wednesday, January 31, 2007 11:31 AM  
**To:** THOMAS, JULIE F. (OGC) (FBI)  
**Cc:** b7C [redacted] (OGC) (FBI) [redacted] (OGC) (FBI)  
**Subject:** RE: IOB

~~SECRET//NOFORN  
RECORD xxxxx~~

b6  
b7C

Julie,  
I will start drafting the LHM and the cover letter as you suggested. I will forward a draft for your review as soon as I have one ready. I will also revise the EC's lead to the field and have [redacted] reload it into ACS.  
Take care,  
[redacted]

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

**From:** THOMAS, JULIE F. (OGC) (FBI)  
**Sent:** Wednesday, January 31, 2007 10:37 AM  
**To:** [redacted] (OGC) (FBI)  
**Cc:** [redacted] (OGC) (FBI)  
**Subject:** RE: IOB

DECLASSIFIED BY 65179/DMH/KSF/RM  
ON 07-18-2007

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~~SECRET//NOFORN  
RECORD xxxxx~~

We need to correct the lead and state that, notwithstanding our decision not to report to the IOB, the information must remain sequestered pending a decision by OIPR or the FISC.

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Further, I need a letter from me to Counsel for the IOB [redacted] that this is one of those she may wish to reivew.

Julie

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

**From:** [redacted] (OGC) (FBI)  
**Sent:** Friday, January 12, 2007 4:23 PM  
**To:** THOMAS, JULIE F. (OGC) (FBI)  
**Cc:** [redacted] (OGC) (FBI) [redacted] (OGC) (FBI)  
**Subject:** RE: IOB

b6  
b7C

~~SECRET//NOFORN  
RECORD xxxxx~~

Julie,

I have made the changes you requested to IOB [redacted] I reached the SSA on this case today and he stated that indeed the NSL that was used [redacted] is. [redacted] has seen the latest version and has approved it. I am enclosing an electronic copy and I will forward to HQ the hard copy for your signature. Please let me know if you have additional questions/comments.  
Take care,  
[redacted]

b2  
b5  
b6  
b7C

<< File: IOB 2006 [redacted] Thomas.wpd >>

b2

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

From: THOMAS, JULIE F. (OGC) (FBI)  
Sent: Friday, January 05, 2007 5:29 PM  
To: [redacted] (OGC) (FBI)  
Cc: [redacted] (OGC) (FBI)  
Subject: IOB

b6  
b7C

~~SECRET//NOFORN  
RECORD xxxxx~~

I have decided this is non-reportable. I have made some changes and asked some questions. Go into the document review function to see the red-lines., << File [redacted] wpd >>

b6  
b7C

Julie F. Thomas  
DGC, National Security Law Branch  
Office of the General Counsel  
Room 7975



b2

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

NSL VIO-26934

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

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DECLASSIFICATION EXEMPTION 1  
SECRET//NOFORN~~

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

**THOMAS, JULIE F. (OGC) (FBI)**

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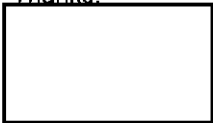
**From:** [redacted] (OGC) (FBI)  
**Sent:** Thursday, November 30, 2006 11:27 AM  
**To:** [redacted] (FBI); [redacted] (FBI)  
**Cc:** THOMAS, JULIE F. (OGC) (FBI); [redacted] (OGC) (FBI)  
**Subject:** IOB EC

b6  
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~~SECRET  
RECORD IOB~~

Just to follow up from this morning's meeting, I've attached a copy of the DRAFT EC requesting more information about the particular cases cited by Inspection. Feel free to give me a call if you have any questions.

Thanks!



b6  
b7C  
b2

Assistant General Counsel  
National Security Law Branch  
(202) 324-[redacted]

NSL VIO-26936



[redacted] b2  
spection.wpd (17 KI) b7E

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ON 07-18-2007

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



~~SECRET//ORCON,NOFORN~~  
~~RECORD xxxxx~~

Julie is out on Tuesday. I recommend that this wait until her return on Thursday. And then you should complete it before November 9.

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

**From:** [redacted] (OGC) (FBI)  
**Sent:** Friday, October 13, 2006 5:27 PM  
**To:** THOMAS, JULIE F. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (FBI); [redacted] (OGC) (FBI)  
**Cc:** [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)  
**Subject:** RE: IOB internal guidance

b6  
b7C

~~SECRET//ORCON,NOFORN~~  
~~RECORD xxxxx~~

All -

I've attached the latest draft of the Internal IOB Guidance. As you can see, there are just a few highlighted sections to be completed. Footnote 4 relates to the IOB on [redacted] I was involved in some discussions on that, but I don't know the final resolution. [redacted] I believe [redacted] was working on that opinion. If you can get me a copy, we can include that in this policy per Julie's instructions. Also, there are a few sections where we're looking for [redacted] NSL VIO-26940 Again, I don't have those opinions.

b6  
b7C  
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Finally [redacted] and I thought it might be useful to have one more meeting where we discuss the last few issues raised in the policy and in [redacted] email below. Should we meet on Thursday after the Unit Chiefs meeting - say 11 am? Unless the group decides that's unnecessary.

Thanks,

[redacted]

<< File: IOB Internal Guidance.wpd >>

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

**From:** [redacted] (OGC) (FBI)  
**Sent:** Monday, September 25, 2006 9:55 AM  
**To:** THOMAS, JULIE F. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)  
**Cc:** [redacted] (OGC) (FBI)  
**Subject:** RE: IOB internal guidance

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b7C

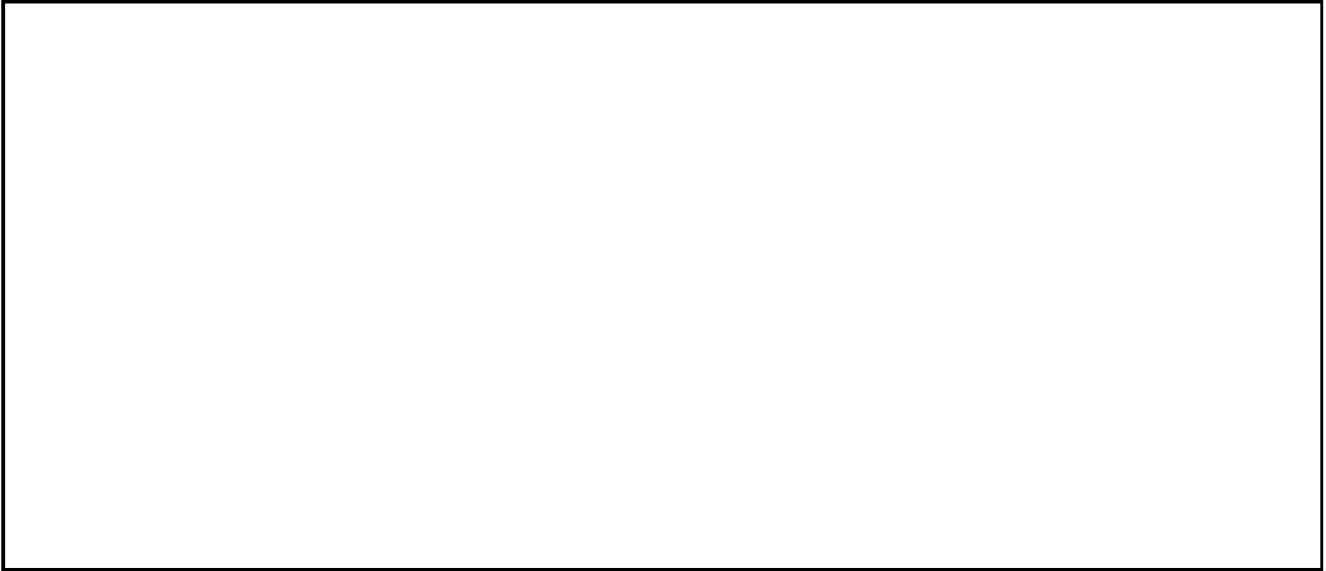
~~SECRET//ORCON,NOFORN~~  
~~RECORD xxxxx~~

For what it's worth, as a lame duck -- I have a few comments, in addition to the fact that I still take the same position [redacted] (And Julie is probably thinking, when can we take [redacted] job away from her so she doesn't get to put her two cents worth in [redacted]) -- i.e. I don't agree [redacted]

b5

I also continue to think [redacted] I think the extra verbiage tend to get in the way when reading this and make what should be a very simple document more complicated. But I know I am in a minority of one on this issue.

Otherwise - three suggestions



b5  
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-----Original Message-----

**From:** THOMAS, JULIE F. (OGC) (FBI) **NSL VIO-26941**  
**Sent:** Friday, September 22, 2006 5:07 PM  
**To:** [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)  
**Cc:** [redacted] (OGC)

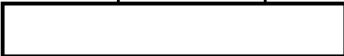
**Subject:** (FBI)  
IOB internal guidance

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~~**SECRET//ORCON,NOFORN**~~  
~~**RECORD xxxxx**~~

Attached are my edits for discussion. << File: internalioBJFTchanges.wpd >>  
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]



b2

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SECRET//ORCON,NOFORN~~

NSL VIO-26942

**THOMAS, JULIE F. (OGC) (FBI)**

**From:** [redacted] (OGC) (FBI)  
**Sent:** Monday, October 16, 2006 10:15 AM  
**To:** [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI); [redacted] (OGC) (FBI)  
**Cc:** [redacted] (OGC) (FBI)  
**Subject:** RE: IOB internal guidance

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b7C

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~~RECORD xxxxx~~

DECLASSIFIED BY 65179/DMH/KSR/RM  
ON 07-19-2007

The NSL Working Group is meeting on Thursday at 11. The Minimization Group is meeting on Thursday at 2.  
Friday afternoon is pretty open (on Julie's calendar).

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

**From:** [redacted] (OGC) (FBI)  
**Sent:** Friday, October 13, 2006 5:30 PM  
**To:** [redacted] (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)  
**Cc:** [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)  
**Subject:** RE: IOB internal guidance

b6  
b7C

NSL VIO-26943

~~SECRET//ORCON,NOFORN~~  
~~RECORD xxxxx~~

I meant Thursday. I thought she was moving the Unit Chiefs meeting until Thursday.

November 9th - Is that the day you return [redacted]

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

**From:** [redacted] (OGC) (FBI)  
**Sent:** Friday, October 13, 2006 5:29 PM  
**To:** [redacted] (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)  
**Cc:** [redacted] (OGC) (FBI)  
**Subject:** RE: IOB internal guidance

b6  
b7C

~~SECRET//ORCON,NOFORN~~  
~~RECORD xxxxx~~

Julie is out on Tuesday. I recommend that this wait until her return on Thursday. And then you should complete it before November 9.

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

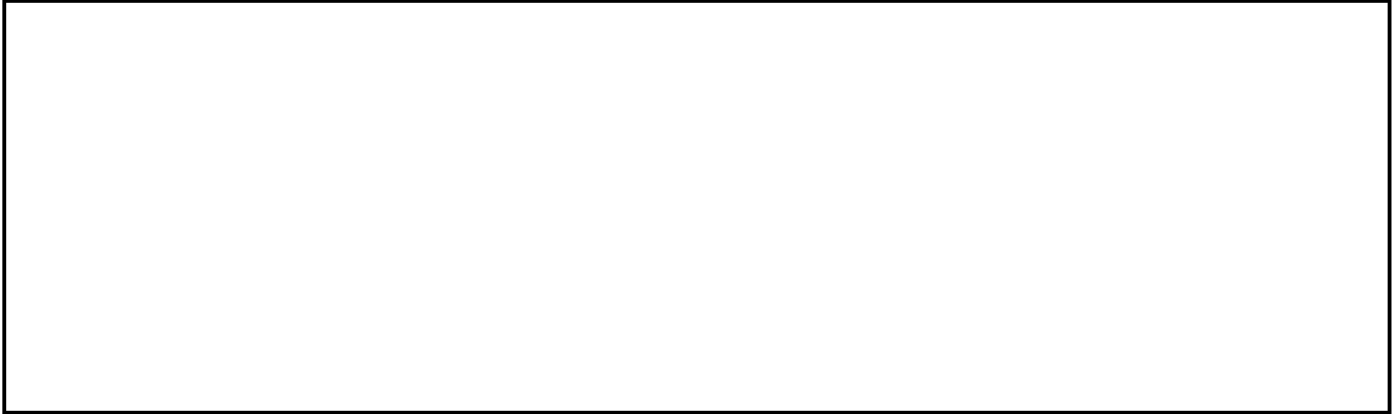
**From:** [redacted] (OGC) (FBI)  
**Sent:** Friday, October 13, 2006 5:27 PM  
**To:** THOMAS, JULIE F. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)  
**Cc:** [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)  
**Subject:** RE: IOB internal guidance

b6  
b7C

~~SECRET//ORCON,NOFORN~~



RECORD xxxxx



<< File: IOB Internal Guidance.wpd >>

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

b6  
b7C

**From:** [redacted] (OGC) (FBI)  
**Sent:** Monday, September 25, 2006 9:55 AM  
**To:** THOMAS, JULIE F. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)  
**CC:** [redacted] (OGC) (FBI)

**Subject:** RE: IOB internal guidance

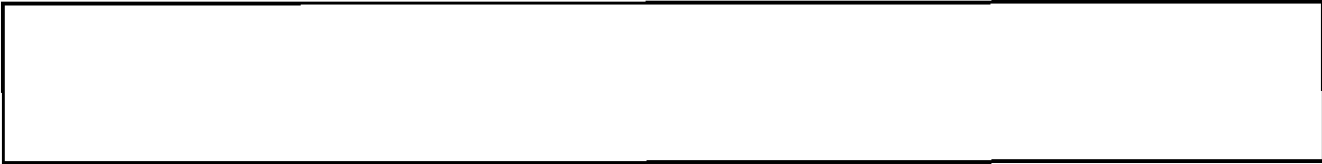
NSL VIO-26944

Duplicate 9/25/06 email this

~~SECRET//ORCON,NOFORN~~

~~RECORD xxxxx~~





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

Duplicate

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

**Sent:** Friday, September 22, 2006 5:07 PM

**To:** [redacted] (OGC) (FBI); STILLS, DEBORAH S. (OGC) (FBI)

**Cc:** [redacted] (OGC) (FBI)

**Subject:** IOB internal guidance

b6  
b7C

~~**SECRET//ORCON,NOFORN**~~  
~~**RECORD xxxxx**~~

Attached are my edits for discussion. << File: internalioBJFTchanges.wpd >>  
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]*

b2



NSL VIO-26945

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~~**SECRET//ORCON,NOFORN**~~

**THOMAS, JULIE F. (OGC) (FBI)**

**From:** MOYER, SALLY ANNE (OGC) (FBI)  
**Sent:** Friday, October 13, 2006 5:27 PM  
**To:** THOMAS, JULIE F. (OGC) (FBI); AINORA, THOMAS (OGC) (FBI); BENDER, JOSEPH E. JR (OGC) (FBI); FITZGERALD, PAUL D. (OGC) (FBI); FOORE, DANIEL J. (OGC) (FBI); KOPISTANSKY, PATRICE I. (OGC) (FBI); SINTON, ROBERT STUART (OGC) (FBI); SIEGEL STEVEN N (OGC) (FBI)  
**Cc:** SILLS, DEBORAH S. (OGC) (FBI); MIRANDA, VERONICA I. (OGC) (FBI)  
**Subject:** RE: IOB internal guidance

~~**SECRET//ORCON,NOFORN**  
**RECORD xxxxx**~~

All -

I've attached the latest draft of the Internal IOB Guidance. As you can see, there are just a few highlighted sections to be completed. Footnote 4 relates to the IOB on the "secondary screening." I was involved in some discussions on that, but I don't know the final resolution. Dan, I believe Charlie Choi was working on that opinion. If you can get me a copy, we can include that in this policy per Julie's instructions. Also, there are a few sections where we're looking for more examples. It might be helpful to have some CT examples included. Again, I don't have those opinions.

Finally, Deborah and I thought it might be useful to have one more meeting where we discuss the last few issues raised in the policy and in Patrice's email below. Should we meet on Thursday after the CIA Chiefs meeting - say 11 am? Unless the group decides that's unnecessary.

Thanks,  
Sally



IOB Internal  
Guidance.wpd (91 ..

DECLASSIFIED BY 65179/DMH/KSR/RM  
ON 07-19-2007

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

**From:** KOPISTANSKY, PATRICE I. (OGC) (FBI)  
**Sent:** Monday, September 25, 2006 9:55 AM  
**To:** THOMAS, JULIE F. (OGC) (FBI); MOYER, SALLY ANNE (OGC) (FBI); SILLS, DEBORAH S. (OGC) (FBI)  
**Cc:** BENDER, JOSEPH E. JR (OGC) (FBI); SINTON, ROBERT STUART (OGC) (FBI); AINORA, THOMAS (OGC) (FBI); FITZGERALD, PAUL D. (OGC) (FBI); FOORE, DANIEL J. (OGC) (FBI); SIEGEL STEVEN N (OGC) (FBI)  
**Subject:** RE: IOB internal guidance

~~**SECRET//ORCON,NOFORN**  
**RECORD xxxxx**~~

For what it's worth, as a lame duck -- I have a few comments, in addition to the fact that I still take the same position as is outlined in red in this document but I understand I've already lost those arguments. (And Julie is probably thinking, when can we take that acting UC job away from her so she doesn't get to put her two cents worth in . . . ) -- i.e., I don't agree that investigative techniques done to pursue an expired PI are okay as long as they would have been okay had there been, which there wasn't, a threat assessment in the works; and I don't understand the legal underpinning for reporting carrier errors in NSL cases any differently than in FISA cases (and it's not a matter, per Julie's note, of whether I do or don't understand the distinction between OPR and IOB since I am talking about an inconsistent internal IOB position. NSLs and FISA are both intelligence techniques that either should be reported or not be reported to the IOB when there is a carrier error - if the IOB wants to draw the distinction that is being made, then it's simply a policy call and we can describe it as a policy, not legal, call. --

I also continue to think that the examples don't add a whole lot since they simply track the particular violation that we say is or is not reportable, and I think the extra verbiage tend to get in the way when reading this and make what should be a very simple document more complicated. But I know I am in a minority of one on this issue.

Otherwise - three suggestions

1) In the paragraph, page 3, "There has been little or no progress in this "carve-out" process with OIPR. NSLB continues to negotiate on this and is hopeful that the new NSD will be more amenable to carve-outs. Until then, the interim policy is still in effect." --there needs to be a discussion of what the "interim policy is still in effect" means. While the "interim policy" is referenced above in other contexts, we don't say what it means in terms of the scope of the reporting requirements. Otherwise, we don't know what "the interim policy is still in effect" means. Presumably it means that all cases must be reported, but I still think we should spell it out.

2) in the next paragraph, page 3, "Although we are considering whether these type of investigations should be reported to OIPR and/or DOJ's Criminal Division," -- It is not clear what the phrase "these cases" is referring to because we have put in a paragraph in-between that ends with the implication that all cases need to be reported. "These cases" presumably refers to the "asset FIs, recruitment operations, sensitive cases" etc, mentioned above that paragraph but that is not clear because of the intervening paragraph.

3) The NSL paragraphs that describe NSL statutes should not be classified. I don't think that NSL paragraphs that describe how we are reporting various types of errors should be classified either - I don't know how we argue that were that information to be made public, it may reasonably harm national security.

pik

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

**From:** THOMAS, JULIE F. (OGC) (FBI)  
**Sent:** Friday, September 22, 2006 5:07 PM  
**To:** MOYER, SALLY ANNE (OGC) (FBI); SILLS, DEBORAH S. (OGC) (FBI); **NSP VTO-26953**  
**Cc:** BENDER, JOSEPH E. JR (OGC) (FBI); SINTON, ROBERT STUART (OGC) (FBI); AINORA, THOMAS (OGC) (FBI); FITZGERALD, PAUL D. (OGC) (FBI); FOORE, DANIEL J. (OGC) (FBI); KOPISTANSKY, PATRICE I. (OGC) (FBI); SIEGEL STEVEN N (OGC) (FBI)  
**Subject:** IOB internal guidance

~~**SECRET//ORCON,NOFORN**~~  
~~**RECORD xxxxx**~~

Attached are my edits for discussion. << File: internalioBJFTchanges.wpd >>

Hit document then review to view.

*Julie F. Thomas*  
*DGC, National Security Law Branch*  
*Office of the General Counsel*  
*Room 7975*  
*202-324-8528*  
*202-324-1023 (fax)*  
*Julie.Thomas@ic.fbi.gov*

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~~**DECLASSIFICATION EXEMPTION 1**~~  
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~~**DECLASSIFICATION EXEMPTION 1**~~  
~~**SECRET//ORCON,NOFORN**~~

**THOMAS, JULIE F. (OGC) (FBI)**

**From:** [redacted] (OGC) (FBI)  
**Sent:** Monday, August 14, 2006 5:21 PM  
**To:** b6 THOMAS, JULIE F. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)  
b7C [redacted] (OGC) (FBI)  
**Subject:** Revised IOB Policy

~~SECRET~~  
~~RECORD IOB Policy~~

DECLASSIFIED BY 65179/DMH/KSR/RM  
ON 07-19-2007

[redacted] and I have incorporated the latest revisions of the IOB policy into the attached EC. If you have any changes, please send your changes to both [redacted] and me by close of business on Thursday, August 17, [redacted]. Let us know what you think. Thank you for all of your input!



finalIOBpolicyAug14  
2006.wpd (3...

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b6  
b7C  
NSL VIO-26954

b6  
b7C  
-----Original Message-----  
**From:** [redacted] (OGC) (FBI)  
**Sent:** Tuesday, August 08, 2006 3:36 PM  
**To:** [redacted] (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)  
**Cc:** [redacted] (OGC) (FBI)  
**Subject:** RE: Next IOB meeting

~~SECRET~~  
~~RECORD IOB Policy~~

Attached is a revised electronic copy of the IOB Guidance that will be disseminated to all divisions. All of the changes that were discussed at the last meeting have been incorporated into this revised copy. I will see you on Monday, August 14 at 1:30. Thank you.

<< File: External IOB Policy Aug82006.wpd >>

b6  
b7C  
-----Original Message-----  
**From:** [redacted] (OGC) (FBI)  
**Sent:** Wednesday, July 26, 2006 4:50 PM  
**To:** [redacted] (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)  
**Cc:** [redacted] (OGC) (FBI)  
**Subject:** Next IOB meeting

UNCLASSIFIED  
NON-RECORD

The excitement continues.... After discussing everyone's schedules, it looks like the next time that almost everyone is available for another IOB meeting is Monday, August 14 at 1:30 p.m. [redacted] is incorporating all of the changes that we discussed into the external IOB policy. We will disseminate a copy of the revised policy to you before the next meeting. Please let me know if this time/date is a problem for anyone.

4:30?  is the NSLB conference room available at that time? If so, could you please reserve it from 1:30 to

Thank you,

b6  
b7C

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SECRET~~

~~DERIVED FROM: Multiple Sources  
DECLASSIFICATION EXEMPTION 1  
SECRET~~

NSL VIO-26955



**THOMAS, JULIE F. (OGC) (FBI)**

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**From:** [redacted] (OGC) (FBI)  
**Sent:** Thursday, July 13, 2006 2:16 PM  
**To:** HQ-Div09-NSLB  
**Subject:** Procedural Change in Setting Leads in IOB Opinions

b6  
b7C

**UNCLASSIFIED**  
**NON-RECORD**

If OGC determines that a potential IOB matter does not need to be reported to the IOB, then the Inspection Division (INSD) retains records of the IOB matter for three years for possible review by the Counsel to the IOB.

To be consistent in our handling of IOB matters, when drafting an IOB opinion for nonreportable matters, an action lead should be sent to INSD and state: 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 years for possible review by the Counsel to the IOB.

Credit for this goes to [redacted]

b6  
b7C

**UNCLASSIFIED**

NSL VIO-26957

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 07-19-2007 BY 65179/DMH/KSR/RG



**THOMAS, JULIE F. (OGC) (FBI)**

**From:** [redacted] (OGC) (FBI)  
**Sent:** Thursday, July 13, 2006 1:00 PM  
**To:** THOMAS, JULIE F. (OGC) (FBI); [redacted]  
[redacted] (OGC) (FBI); [redacted] (OGC) (FBI)  
**Subject:** Proposed IOB policy

DECLASSIFIED BY 65179/DMH/KSR/RW  
ON 07-19-2007

~~SECRET~~  
~~RECORD 278-HQ-C1229736~~

b6  
b7C

All:

Attached are rough drafts of proposed IOB policy. Once we have discussed all of the issues and agree on a uniform IOB policy, the external IOB guidance will be distributed to all divisions, while the internal IOB guidance will be provided to OGC. I have also included electronic copies of the 02/10/2005 EC containing the current IOB policy as well as the 12/23/2003 EC delineating the interim policy on the AG Guidelines.

Could we all meet on either Monday, July 24 or Wednesday, July 26 to discuss these policy issues? What date/time works best for everyone? Thank you.

[redacted]

NSL VIO-26958



2006internalIOBpoli2006externalIOBpol SeventhIO-INSD-O INTERIMguidanceD  
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~~DERIVED FROM: Multiple Sources~~  
~~DECLASSIFICATION EXEMPTION 1~~  
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**THOMAS, JULIE F. (OGC) (FBI)**

**From:** [redacted] (OGC) (FBI)  
**Sent:** Thursday, July 13, 2006 11:20 AM  
**To:** THOMAS, JULIE F. (OGC) (FBI)  
**Cc:** [redacted] (OGC) (FBI)  
**Subject:** RE: IOB 2006 [redacted]

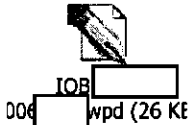
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b7C  
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RECORD 278-HQ-C1229736-VIO~~

Julie,

Attached is a corrected page 2 to the IOB 2006 [redacted] issued a correction to the incoming EC, which I've referenced in footnote 2.

b2  
b7E



IOB [redacted]  
004 [redacted].wpd (26 KB)

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NSL VIO-26959

Thanks,

[redacted]

DECLASSIFIED BY 65179/DMH/KSR/RM  
ON 07-19-2007

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

**From:** [redacted] (OGC) (FBI)  
**Sent:** Monday, July 10, 2006 2:53 PM  
**To:** [redacted] (OGC) (FBI)  
**Subject:** IOB 2006- [redacted]

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RECORD 278-HQ-C1229736-VIO~~

<<File: IOB [redacted] 2006- [redacted].wpd >>

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~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations  
DECLASSIFY ON: 20310710  
SECRET~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations  
DECLASSIFY ON: 20310710  
SECRET~~

**THOMAS, JULIE F. (OGC) (FBI)**

**From:** [redacted] (DO) (FBI) b6  
**Sent:** Friday, February 17, 2006 3:56 PM b7C  
**To:** KELLEY, PATRICK W. (OGC) (FBI)  
**Cc:** CAPRONI, VALERIE E. (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI)  
**Subject:** RE: Potential Conflict of Issue Question

**SENSITIVE BUT UNCLASSIFIED**  
**NON-RECORD**

I very much appreciate the timely manner of the response and, as always, appreciate your guidance.

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

**From:** KELLEY, PATRICK W. (OGC) (FBI) b6  
**Sent:** Friday, February 17, 2006 3:52 PM b7C  
**To:** [redacted] (DO) (FBI)  
**Cc:** CAPRONI, VALERIE E. (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI)  
**Subject:** RE: Potential Conflict of Issue Question

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 07-19-2007 BY 65179/DMH/KSR/BN

**SENSITIVE BUT UNCLASSIFIED**  
**NON-RECORD**

NSL VIO-26961

[redacted] I think Julie is out today but I wanted to get you an answer in case you were waiting on it. Neither Valerie nor I see a conflict of significant concern. [redacted]

[redacted]

[redacted] in our view, [redacted]

Finally, [redacted]

[redacted]

[redacted] Please let me know if you have any questions.

b5  
b6  
b7C

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

**From:** [redacted] (DO) (FBI)  
**Sent:** Thursday, February 16, 2006 1:12 PM b6  
**To:** KELLEY, PATRICK W. (OGC) (FBI) b7C  
**Subject:** Potential Conflict of Issue Question

**SENSITIVE BUT UNCLASSIFIED**  
**NON-RECORD**

Pat:

[redacted]

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b7C  
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b2

[redacted] raised the question [redacted]  
My concern is [redacted]

[redacted]

DD Pistole asked that OGC take a look at this issue. Call me if we need to discuss further. [redacted] Thanks

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

NSL VIO-26962

**THOMAS, JULIE F. (OGC) (FBI)**

**From:** [redacted] (OGC) (FBI)  
**Sent:** Wednesday, October 20, 2004 4:02 PM  
**To:** Caproni, Valerie E. (OGC) (FBI)  
**Cc:** THOMAS, JULIE F. (OGC) (FBI)  
**Subject:** RE: IOB

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ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 07-19-2007 BY 65179/DMH/KSR/RW



Fourth  
INSDRevSep13.wpd

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**NON-RECORD**

Val,

Attached is an EC that is making its way to the DD (if not already there) outlining how the process works within the FBI. John and Pat reviewed it and concurred. The only difference between this EC and what has been occurring prior to this policy change is that OGC would receive the allegation, determine if there was an IOB violation and then refer it to OPR, now Toni Fogle's shop in INSD. Now, the field will report to both INSD and OGC, INSD will ascertain the facts, come to us for our IOB determination and make recommendations to OPR regarding the need for disciplinary action. INSD will also keep statistics.

NSL VIO-26964

Hope this is what you were looking for - let me know if you have any additional questions. Thanks. [redacted]

b6  
b7C

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

**From:** Caproni, Valerie E. (OGC) (FBI)  
**Sent:** Wednesday, October 20, 2004 3:50 PM  
**To:** [redacted] (OGC) (FBI)  
**Cc:** THOMAS, JULIE F. (OGC) (FBI)  
**Subject:** IOB

b6  
b7C

**UNCLASSIFIED**  
**NON-RECORD**



Can I get a reminder of how the IOB process works these days -- or at least how it is supposed to work, pls.

VC

**UNCLASSIFIED**

**UNCLASSIFIED**

**THOMAS, JULIE F. (OGC) (FBI)**

---

**From:** Caproni, Valerie E. (OGC) (FBI)  
**Sent:** Wednesday, October 20, 2004 3:50 PM  
**To:** [REDACTED] (OGC) (FBI)  
**Cc:** THOMAS, JULIE F. (OGC) (FBI)  
**Subject:** IOB

**UNCLASSIFIED**  
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[REDACTED]

Can I get a reminder of how the IOB process works these days -- or at least how it is supposed to work, pls.

VC

**UNCLASSIFIED**

NSL VIO-26965

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 07-19-2007 BY 65179/DHE/KSR/RM

**A03b - % change in Intelligence Oversight Board (IOB) violations reported (Future Measure)**

Accountable Executive: Director Robert Mueller III  
Deputy Director John Pistole

Measure POC: Valerie Caproni

Measure Facilitator:



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**Performance Analysis**

No data available.

**Measure Intent**

Track the amount of relevant IOB violations committed by FBI employees, in order to obtain a partial view of the FBI's progress in honoring civil liberties in the course of its operations.

**Measures Definition**

Count the number of IOB violations reported by OGC and display the percentage change from the previous quarter.

**Next Steps / Recommendations**

OGC will begin a manual search process to collect end-of-fiscal year data by the end of FY 2007. A protocol will be instituted to collect periodic quarterly data thereafter.

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 07-19-2007 BY 65179/DMH/KSP/PW



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 17<sup>th</sup> Street, Northwest  
Washington, D.C.

DECLASSIFIED BY 65179/DMH/KSR/RW  
ON 07-18-2007

NSL VIO-27002

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~~

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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

NSL VIO-27003

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

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

(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 of Section V.12. of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection. Thus, the matter is being reported to the IOB.

NSL VIO 27004

DECLASSIFIED BY 65179/DMH/KER/RW  
ON 08-27-2007

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

~~SECRET~~

Memorandum

~~SECRET~~



To : NSLB Attorneys

Date 10/02/2006

From : Julie F. Thomas  
Deputy General Counsel

DATE: 07-18-2007  
CLASSIFIED BY 65179/DMH/KSE/RW  
REASON: 1.4 (c)  
DECLASSIFY ON: 07-18-2032

Subject : Guidance for Drafting IOB Opinions

(U) This memorandum will provide guidance to NSLB when determining whether a potential IOB matter is reportable or nonreportable and in drafting of IOB opinions.<sup>1</sup> Of course, each IOB matter is fact specific, and it may be necessary, on occasion, to deviate from this guidance. However, this guidance should be applied in most situations. Attached to this memorandum are the following documents: (1) an EC dated 09/12/2006 to all divisions setting forth the revised procedures for the submission of reports of potential intelligence oversight board matters (09/12/2006 EC); (2) sample IOB opinion for nonreportable IOB matter; and (3) sample IOB opinion for reportable IOB matter, including an LHM and letter to the IOB. This memorandum does not discuss what potential IOB matters are reportable to OGC. Rather, the 09/12/2006 EC sets forth such matters and should be referenced when advising the field as to what must be reported to OGC/INSD.



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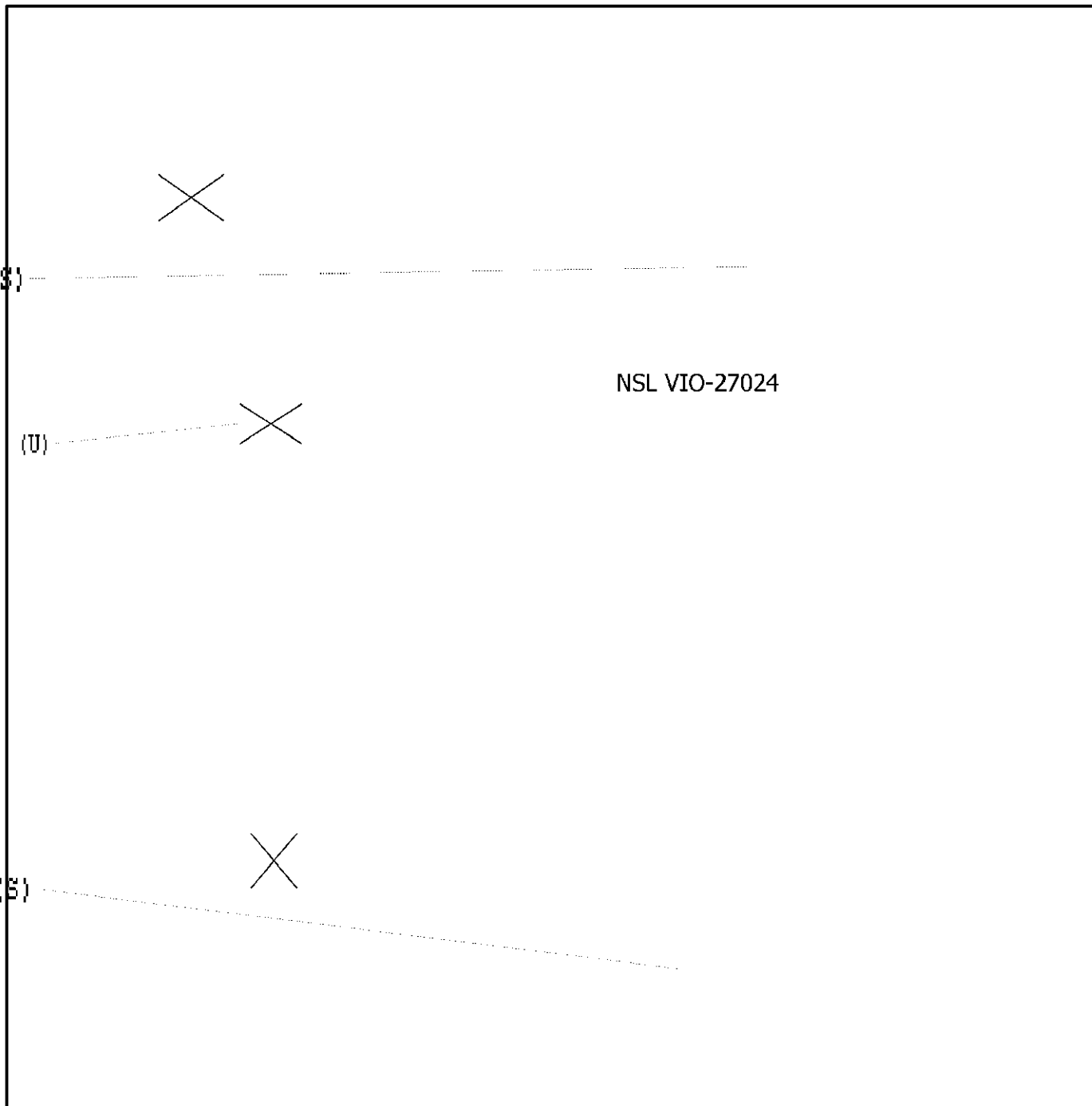
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<sup>1</sup> The U.S. Department of Justice, Office of the Inspector General's (OIG) Report to Congress on Implementation of Section 1001 of the USA PATRIOT Act, dated 03/08/2006, included a section on reviewing the FBI's reporting of potential IOB violations. In that report, OIG noted that "it appeared that some factually similar incidents led to reports to the IOB, while others did not." OIG intends to continue monitoring our IOB process, therefore, it is imperative that our IOB opinions are consistent.

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Memorandum from Julie F. Thomas to NSLB Attorneys  
Re: Guidance for Drafting IOB Opinions, 10/02/2006



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Memorandum from Julie F. Thomas to NSLB Attorneys  
Re: Guidance for Drafting IOB Opinions, 10/02/2006

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NSL VIO-27025

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Memorandum from Julie F. Thomas to NSLB Attorneys  
Re: Guidance for Drafting IOB Opinions, 09/22/2006

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NSL VIO-27026

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Memorandum from Julie F. Thomas to NSLB Attorneys  
Re: Guidance for Drafting IOB Opinions, 09/22/2006

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NSL VIO-27027

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Memorandum from Julie F. Thomas to NSLB Attorneys  
Re: Guidance for Drafting IOB Opinions, 09/22/2006

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NSL VIO-27028

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Memorandum from Julie F. Thomas to NSLB Attorneys  
Re: Guidance for Drafting IOB Opinions, 09/22/2006

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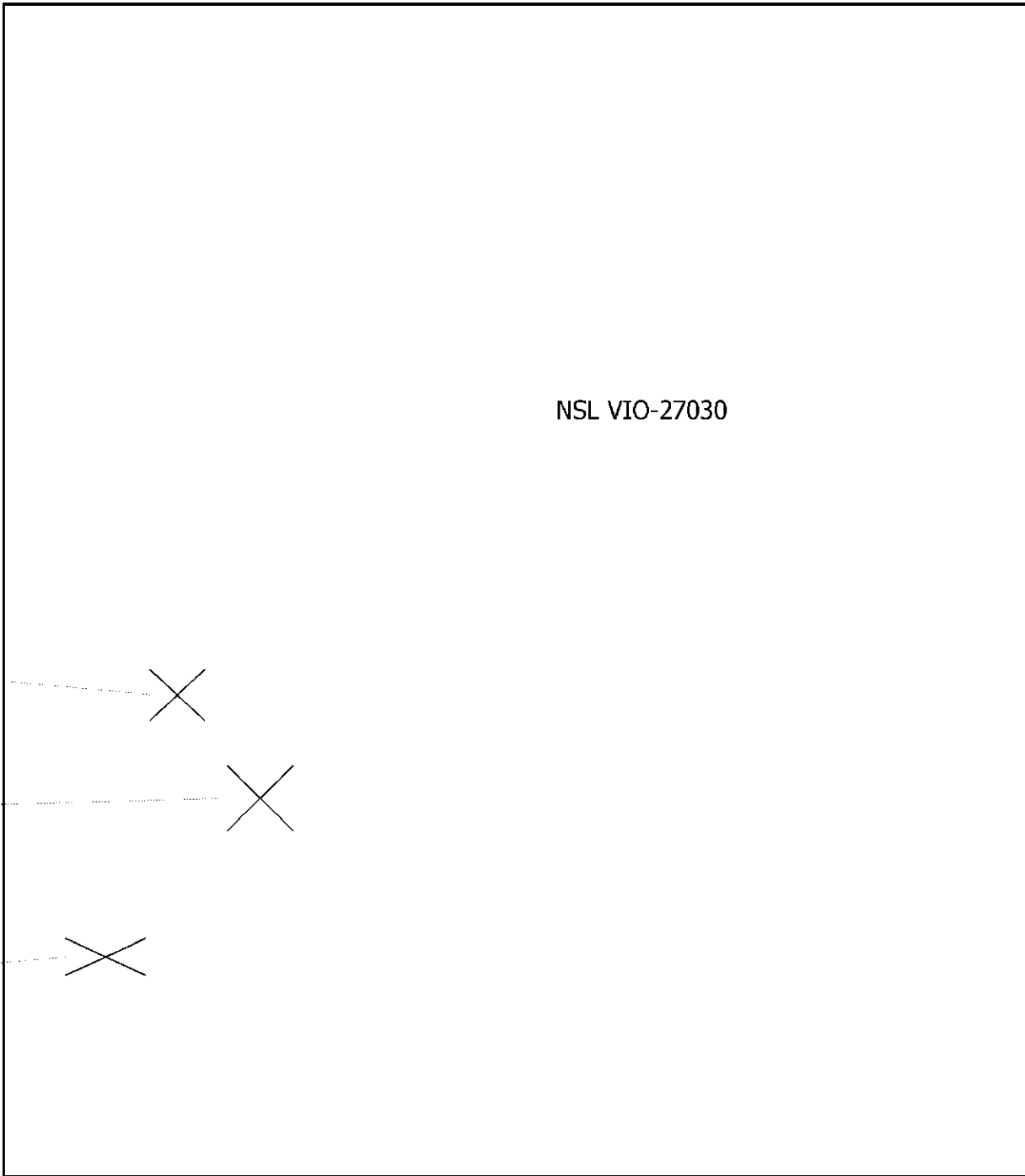
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Memorandum from Julie F. Thomas to NSLB Attorneys  
Re: Guidance for Drafting IOB Opinions, 09/22/2006



NSL VIO-27030

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Memorandum from Julie F. Thomas to NSLB Attorneys

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NSL VIO-27031

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Memorandum from Julie F. Thomas to NSLB Attorneys  
Re: Guidance for Drafting IOB Opinions, 09/22/2006

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NSL VIO-27032

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Memorandum from Julie F. Thomas to NSLB Attorneys  
Re: Guidance for Drafting IOB Opinions, 09/22/2006

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NSL VIO-27033

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Memorandum from Julie F. Thomas to NSLB Attorneys  
Re: Guidance for Drafting IOB Opinions, 09/22/2006

NSL VIO-27034

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Memorandum from Julie F. Thomas to NSLB Attorneys  
Re: Guidance for Drafting IOB Opinions, 09/22/2006


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NSL VIO-27035

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Memorandum from Julie F. Thomas to NSLB Attorneys  
Re: Guidance for Drafting IOB Opinions, 09/22/2006

NSL VIO-27036

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Memorandum from Julie F. Thomas to NSLB Attorneys  
Re: Guidance for Drafting IOB Opinions, 09/22/2006

NSL VIO-27037

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Memorandum from Julie F. Thomas to NSLB Attorneys  
Re: Guidance for Drafting IOB Opinions, 09/22/2006

NSL VIO-27038

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Memorandum from Julie F. Thomas to NSLB Attorneys  
Re: Guidance for Drafting IOB Opinions, 09/22/2006

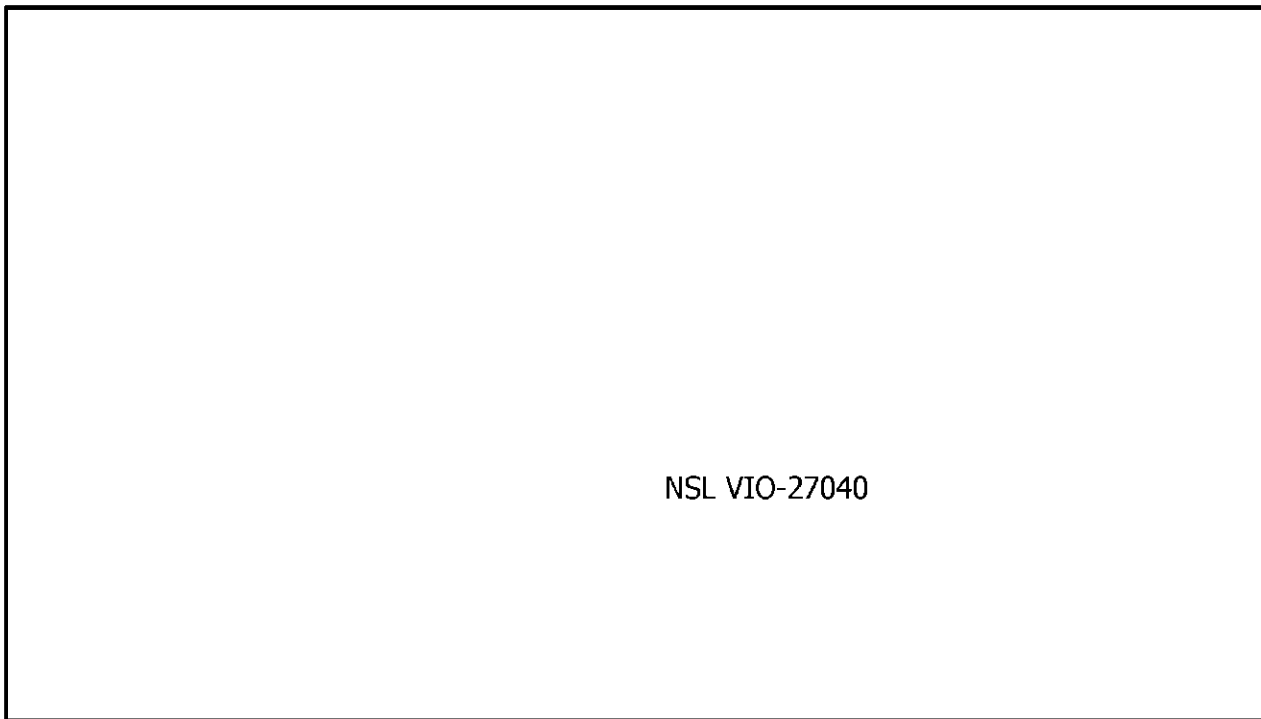
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Memorandum from Julie F. Thomas to NSLB Attorneys  
Re: Guidance for Drafting IOB Opinions, 09/22/2006



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