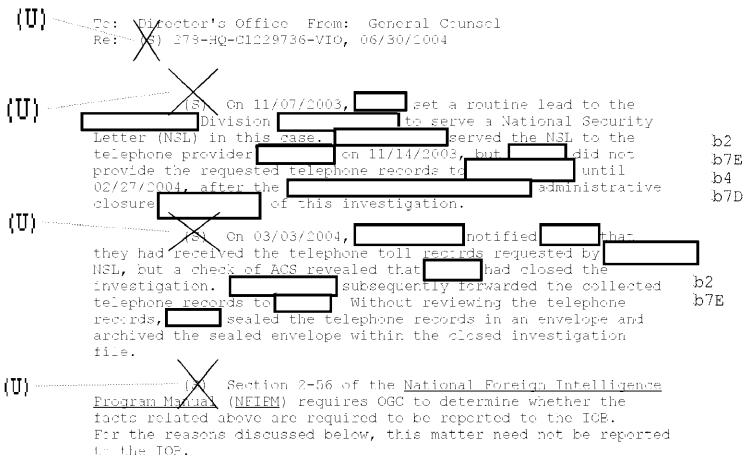
FEDERAL BUREAU OF INVESTIGATION

	Precedence: ROUTINE		Date: 06/30/2004
	To: Director's Office Counterterrorism	Attn: OPR UC, CON SAC; CD SAC; CD	
b2 b7E b6 b7C	From: General Counsel National Security Law Br Counterterrorism Law Unit Contact:		
	Approved By: Curran John F Drafted By:		DATE: 11-19-2007 CLASSIFIED BY 65179/DMH/KSR/RW PEASON: 1.4 (c) DECLASSIFY ON: 11-19-2032
(U)	Case ID #: 278-HQ-C12297	⊸ 36-V10 (Pending)	Serial 502
b2 U	Title: INTELLIGENCE OVER MATTER 2004-	SIGET BOARD	
(U)	Synopsis: () It is the opinical Counsel (OGC) that the above rebe reported to the Intelligence analysis follows.	ferenced matter (does not need to
	(U) Derived From Declassify On	FBI SCG G-1, June 29, 2029	October 1, 1997
(U)	References: (278-HQ-C122973	6-VIO Serial 401	
b2 b7E b1	Details: (X) As discussed in communication (EC), on 2/13/200	the referenced e 3, the Div	lectronic ision
b6 b7C	"United States person" as that of the Foreign Intelligence Sur- Section 1801 et segen		
(S)			
	SE	CRET	_



(U) Section 2.4 of Executive Order (E.O.) 12863, dated September 13, 1993, mandates that Inspectors General and General Chunsels of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division, and the General Chunsel, 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". This language was adopted verbatim from E.O. 12334, dated December 4, 1981, when the IOB was known as the President's intelligence Oversight Board (PIOB). 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 FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations (FCIG), for other guidelines

The <u>FCIG</u> was superseded on October 31, 2003, by the <u>Attorney General's Guidelines for FBI National Security</u>

SECRET

(U) To: Director's Office From: General Counsel Re: 273-HQ-C1229736-VIO, 06/30/1004

or regulations approved by the Attorney General in accordance with E.O. 12333, dated December 4, 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.

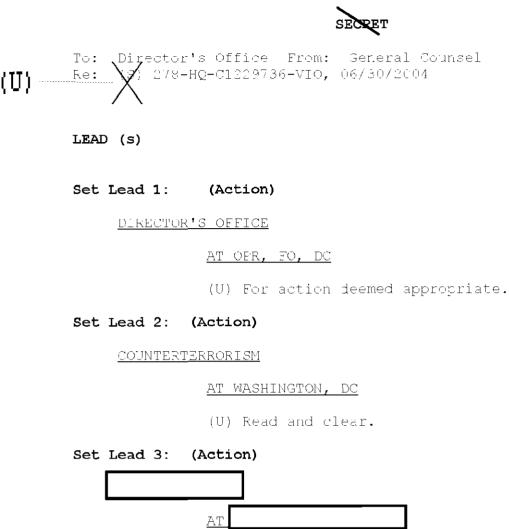
(S) The Attorney General a Guidelines for FBI <u> Investigations and Foreign Intelligence Collection (NSIG)</u> authorize the use of National Security Letters in Pursuant to this b1authority, on 11/07/2003 lawfully issued a NSL for b2 that requested telephone records in this case. b7E properly served the NSL on b4 subsequent failure to cancel this lead at the time they closed b7D the case was an administrative error that <u>did no</u>t affect the lawfulness of the previously served NSL. properly sealed and archived the telephone records received from the NSL because the case was no longer open at the time of their receipt. (U) lpha The late receipt of the telephone records in this case constitutes an administrative error, not a substantive violation of law or regulation designed to protect the individual rights of U.S. persons. As discussed above, under longstanding agreement between the FBI and the IOB, administrative errors are not reportable to the IOB. ___slow response in this case did not affect the lawfulness of the NSL. ____ has already b2sealed and archived the records in question. Additionally, none b7E of these records were reviewed or used by in its b4 investigation. Under these circumstances, it is OGC's opinion b7D that the late receipt of these telephone records by hehalf is not an error that must be reported to the on IOB.

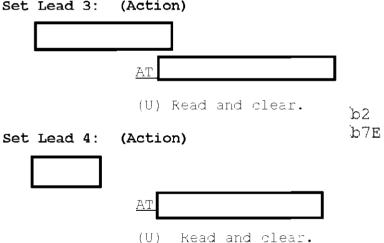
(U) A copy of our opinion should be retained in the Counterterrorism Division control file for review by Counsel to the ${\tt IOB}$, if requested.

Investigations and Foreign Intelligence Collection (NSIG).



To: Director's Office From: General Counsel Re: 273-HQ-C1229736-VIO, 06/30/1004



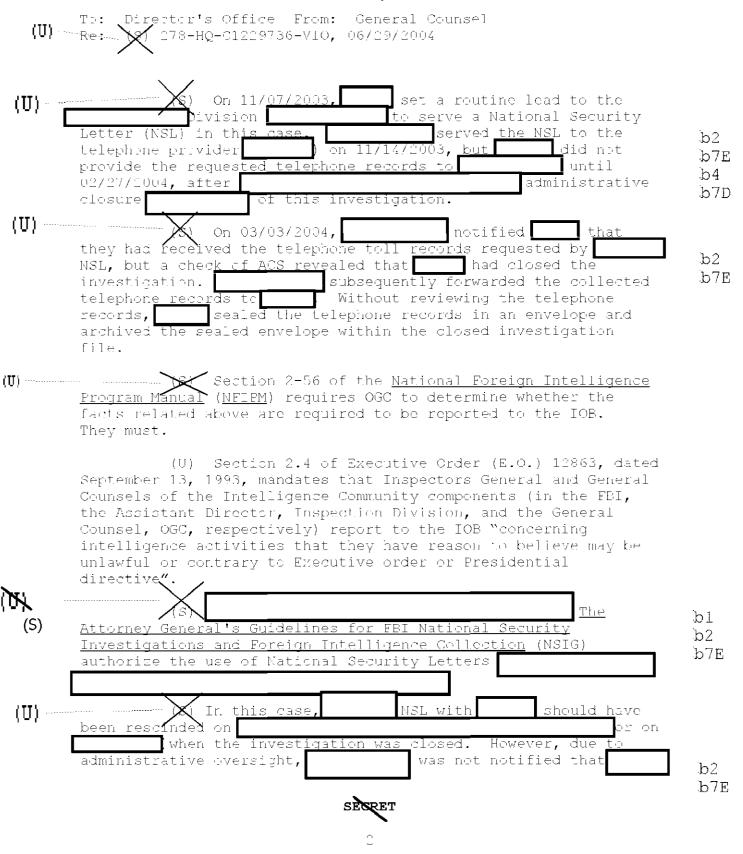




FEDERAL BUREAU OF INVESTIGATION

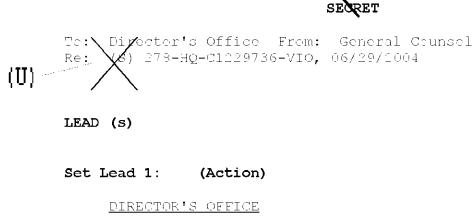
	Prece	edence:	ROUTINE				Date:	06/29/2004
	то:		r's Office terrorism		Attn:	OPR UC, CON SAC; CE SAC; CE)C	
b2 b7E b6 b7C	From	Natio	al Counsel nal Security erte <u>rrorism</u> et:				HEREIN I	RMATION: CONTAINED S. UNCLASSIFIED EXCEPT OWN OTHERWISE
/]]}		oved By:	Curran Jol	hn F	•	į	REASON: 1.	BY 65179/DMH/KSR/RW
141	Case	ID #:	(3) 278-н	Q-C1229736	-V10 (1	Pending)		
(U)			TNTFLLTGE	NCE <u>OV</u> ERST	GHT BOX	ARD		
d: (U)	2		MATTER 20		XII. I - 17X71	11117		
(U)	Cruns t: tl deli	he Intel) that the s ligence Ove necessary co , Derive	rsight Boa orresponde ed From :	renced rd (IO) nce to FBI SC	matter B). OGC the IOE	must be will p	reported repare and
ITTI		/ \		<u>ssify-θπ:</u>		,		
(U)	Refe	rences:	/ \$\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	-C1229736-	VIO Se:	rial 401		
(S) b1 b2	Deta:	ils:	`	ssed in th	e refe:		electron dision	ic a
b7E b6 (S) b7C - 	of th	he Forei	es person" gn Intellig <u>"et seq</u> ."		illance	e Act of	1978,	50 U.S.C.
L		equent nistrati	vely closed		o:			was not
				SEC	RT.			





To: Director's Office From: General Counsel Re: 08-HQ-01209736-V10, 06/29/2004	
had closed the investigation and thatNSL should be rescinded. The FBI's receipt of telephone records in this case fromon 02/27/2004 was unauthorized because there was no open investigation on the subject at that time. Consequently, in accordance with E.O. 12863 and Section 2-56 of the NFIPM, this error must be reported to the IOB, which this office will do.	b2 b7E b4 b7D





AT OPR, FO, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

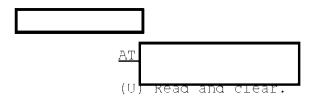
COUNTERTERRORISM

AT WASHINGTON, DC

(U) Read and clear.

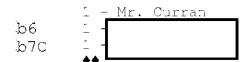
(U) Read and clear.

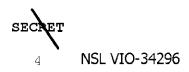
Set Lead 3: (Action)



Set Lead 4: (Action)

b2 b7E





	Investigati	ــ on of this I(⊸ OB matter h	as determi	ned that,
No. and and a second			ivision	_	
Intel <u>li</u>	as that term gence Surveill				the Foreign
seq:		ninistrative k			quent
admin <u>is</u>	weekend, <u>trat</u> ively clos	the investigated until	ative case 		ovember 07,
2003,	<u>s</u> et a rou	itine lead to		Divi	sion
case.	se	ve a National erved the NST	to the tel		
reamest	on November ed telephone r	14, 2003, <u>but</u>		d not prov <u>ntil F</u> ebru	
2004 , a	fter			adm	inistrative
closure 2004,				mation. On mad receive	
telepho	ne tell record	ls requested k	оу [NSL, but t	hat
	d subseq <u>uently</u> gation.	/ discovered	LILAU	<u>nad closed</u>	The
	<u>y General's Gu</u> gations and Fo				
	ze the use of		urity Lette	ers	
of tele	phone records	in this case		us, the FB on Febru	_
	s unauthorized ject at that t				igation on
subsequ	ently forwarde	ed the collect	ted tel <u>epho</u>	ne records	
	reviewing the ne records in	=			
	the closed inv d to the FBI's				
	deemed appropr		rolopalingi	. Карсавте	rrrcy ror
		-			
		arized F.	FBT SCG G	3	
		erived fr om : :las sif v on:	Jur.e 28 1	-3 :Ana	

BY COURIER

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

Dear General Scowcroft:

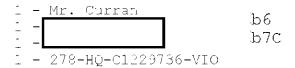
Enclosed for your information is a self-explanatory enclosure entitled "Intelligence Oversight Board (IOB) Matter, Division, 2004 "

b7E

b2

This enclosure 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. (U)

Enclosure



UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE

DECLASSIFIED BY 65179/DNH/KSR/RW ON 11-19-2007

Derived from: FEL SOG G-3
Declassify on: June 28, 2029
SECRET

NSL VIO-34298



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,

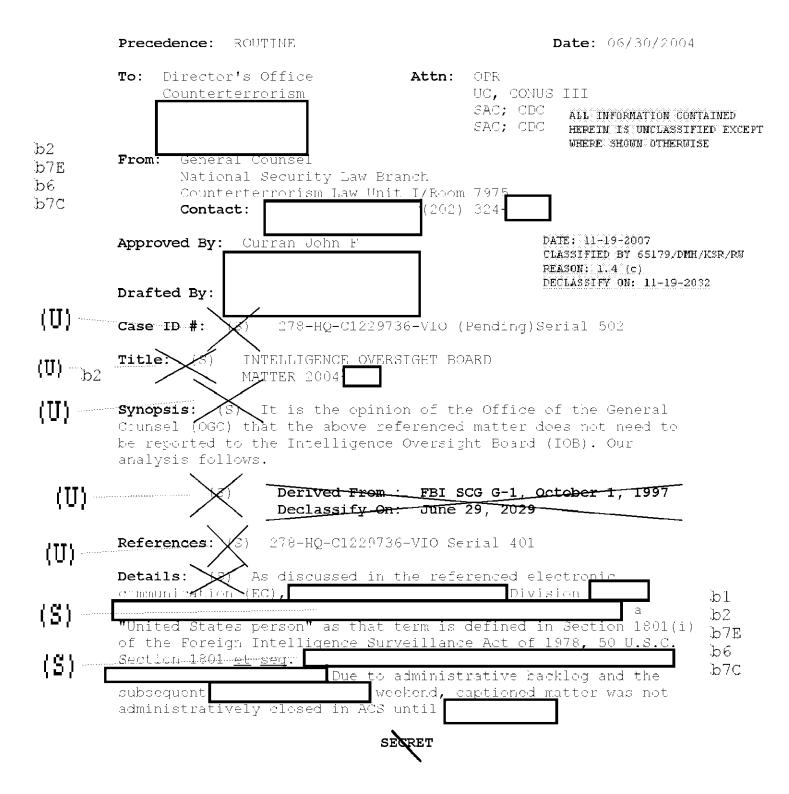
John F. Curran Deputy General Counsel

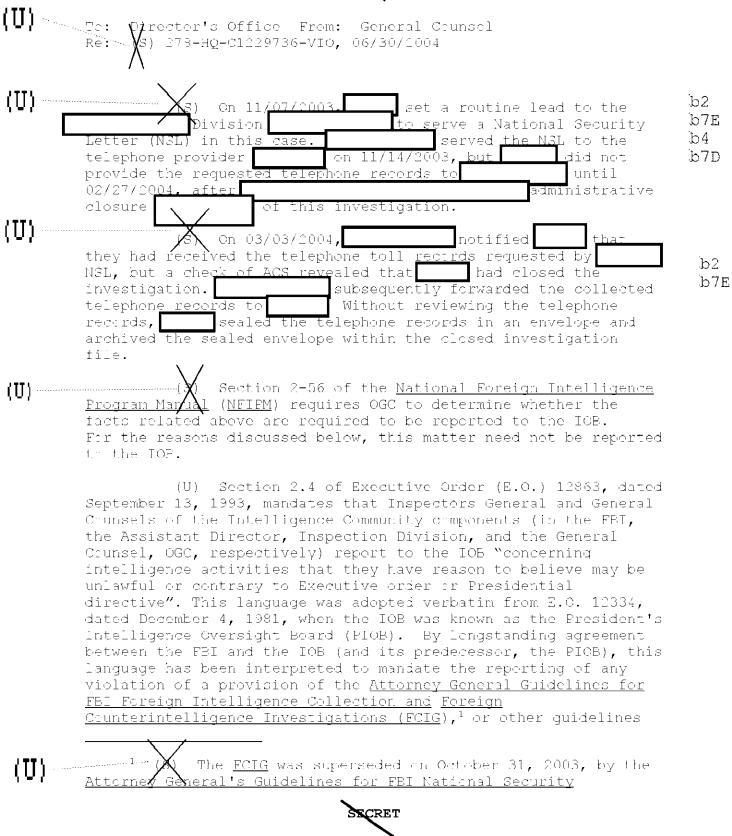
- 1 The Henerable John D. Ashcroft
 Attorney General
 U.S. Department of Justice
 Room 5111

- 2 **-**



FEDERAL BUREAU OF INVESTIGATION



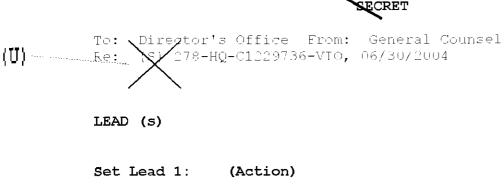


(U) ·	To: Director's Office From: General Counsel Re: 278-HQ-C1C29736-VIO, 06/30/2004	
	or regulations approved by the Attorney General in accordance with E.O. 12333, dated December 4, 1981, if such provision was designed in full or in part to ensure the protection of the individual rights of U.S. persons. 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)	The	
	Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG) authorize the use of National Security Letters	
	authority, on 11/07/2003, lawfully issued a NSL for	b1 b2
ı	that requested telephone records in this case. On 11/14/2003,	b7E
ı	properly served the NSL on subsequent failure to cancel this lead at the time they closed	b4 b7D
	the case was an administrative error that did not affect the lawfulness of the previously served NSL. properly sealed and archived the telephone records received from the NSL because the case was no longer open at the time of their receipt.	
(U)	The late receipt of the telephone records in this	
	case constitutes an administrative error, not a substantive violation of law or regulation designed to protect the individual rights of U.S. persons. As discussed above, under longstanding agreement between the FBI and the IOB, administrative errors are not reportable to the IOB. slow response in this case did not affect the lawfulness of the NSL. has already sealed and archived the records in question. Additionally, none of these records were reviewed or used by in its investigation. Under these circumstances, it is OGC's opinion that the late receipt of these telephone records by hehalf is not an error that must be reported to the IOE.	b2 b7Е
	(U) A copy of our opinion should be retained in the Counterterrorism Division control file for review by Counsel to the IOB, if requested.	

Investigations and Foreign Intelligence Collection (NSIG).

(U) To: Director's Office From: General Counsel Re: 278-HQ-C1229736-VIO, 06/30/1004





DIRECTOR'S OFFICE

AT OPR, FO, DC

(U) For action deemed appropriate.

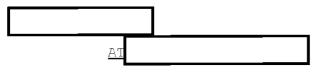
Set Lead 2: (Action)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) Read and clear.

Set Lead 3: (Action)

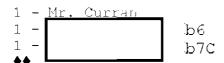


(U) Read and clear.

Set Lead 4: (Action)



(U) Read and clear.



b2

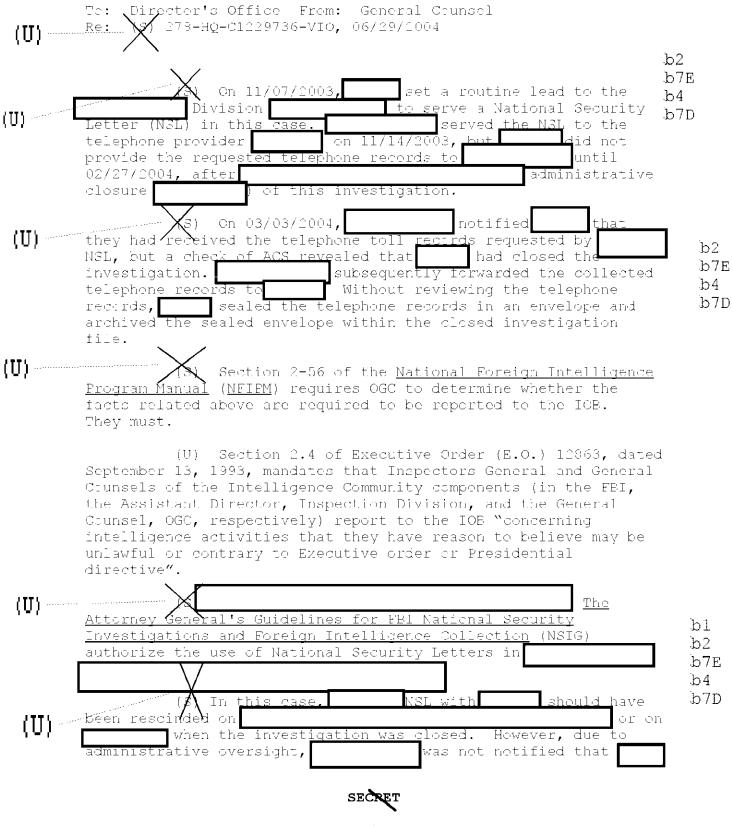
b7E



FEDERAL BUREAU OF INVESTIGATION

	Precedence:	ROUTINE		1	Date:	06/29/2004	
.b2		or's Office eterrorism	Attn:	OPR UC, CONUS SAC; CDC SAC; CDC	III	ALL INFORMATION CO HEREIN IS UNCLASSI WHERE SHOWN OTHERW	FIED EXCEPT
b7E b6 b7С	Natio	cal Counsel chal Security Law Bra certerrorism Law Unit act:		7975 324			
(U)	Approved By: Drafted By:	Curran John F			CLAS: PEAS	: 11-19-2007 EIFIED BY 65179/DM DN: 1.4 (0) ASSIFY ON: 11-19-20	
1 = 1	Case ID #:	() 278-но-с122973	36-ATO (Pending)			
(U)	Title: (3)	INTELLIGENCE OVERS	SIGHT BO	ARD			
(U)		(S) It is the opinic (C) that the above ref (Ligence Oversight Bo	Terenced	matter mus	st be	e reported	
(U)		necessary correspond	dence to	the IOP.			
(U)	/(8	Declassify On:	June	28, 2029			
	References:	278-HQ-C1229736					
(S)	Details:	As discussed in t	the refe	renced ele Divis		a a	
•	"United Stat of the Forei Section 1801	es person" as that t .gn Intelligence Surv .etsed:			Sect 978,	50 U.S.C.	b2
(S)	subsequent	Due to a	ekend <u>, c</u>	rative bac. aptioned ma		and the was not	b7E b6 b7C
		SE	CRET				

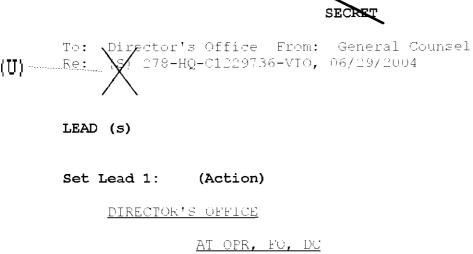




(U) To: Director's Office From: General Counsel 273-HQ-C1229736-VIO, 06/29/1004

had closed the investigation and that NSL should be rescinded. The FBI's receipt of telephone records in this case from on 02/27/2004 was unauthorized because there was no	b4 b7D b2
open investigation on the subject at that time. Consequently, in accordance with E.O. 12863 and Section 2-56 of the NFIPM, this	b7E
error must be reported to the IOB, which this office will do.	





(U) For action deemed appropriate.

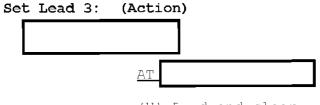
(Action)

COUNTERTERRORISM

Set Lead 2:

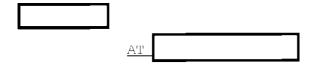
AT WASHINGTON, DC

(U) Read and clear.

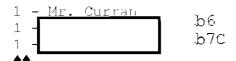


(U) Read and clear.

Set Lead 4: (Action)



(U) Read and clear.





b2 b7E



b2 b7E

101	INTELLIGENCE OVERSIGHT BOARD (IOE) MATTER DIVISION 2004 (U)	
(S)]	Investigation of this IOB matter has determined that,	
(S) -	person" as that term is defined in Section 1801(i) of the Foreign Intelligence Surveillance Act of 1978, 56 U.S.C. Section 1801 et	b1 b2
	Due to administrative backlog and the subsequent weekend, the investigative case was not administratively closed until	b7E b6 b7C b4 b7D
CLASS REASO	Derived from FBT SCG G-3 Declassify on: Jure 20, 2029 ALL information conta HEREIN IS UNCLASSIFIE SECRET WHERE SHOWN OTHERWISE N: 1.4 (c) SSIFY ON: 11-19-2032	D EXCEPT

BY COURIER

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

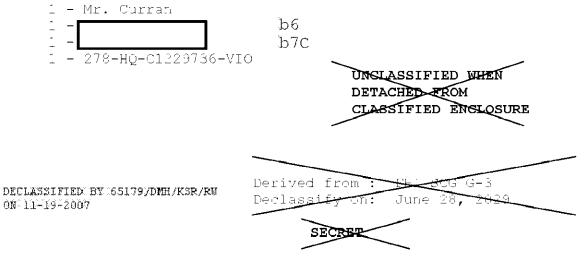
Dear General Scowcroft:

Enclosed for your information is a self-explanatory enclosure entitled "Intelligence Oversight Board (IOB) Matter, Division, 2004

b2 b7E

This enclosure 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. (U)

Enclosure



NSL VIO-34310



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)

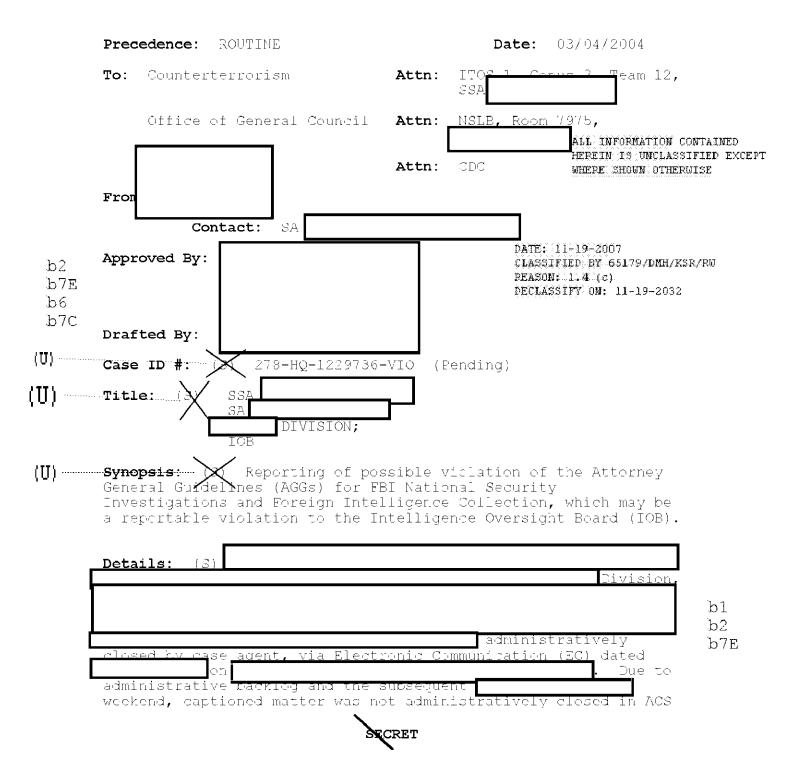
Sincerely,

John F. Curran Deputy General Counsel

- 1 The Henerable John D. Ashcroft
 Attorney General
 U.S. Department of Justice
 Room 5111



FEDERAL BUREAU OF INVESTIGATION



	SECRET	b 2
	Tr: Counterterrorism From: Re: 278-HQ-C1229736 03/04/2004	.b7E
	until responsible for closing in ACS discovered the investigation had one outstanding lead to Division for service of a National Security Letter (NSL) for subscriber information and telephone toll records.	b2 b7E
	(U) Due to administrative oversight, Division, failed to discontinue this outstanding lead to the Division prior to drafting the closing EC. On 02/18/2004, the outstanding lead to Division was discontinued in ACS by Division, but no further direct notification to Division was made. At that time, Division incorrectly assumed the lead had been discontinued and no further investigation was being conducted.	b2 b7E
U)	On 03/03/2004 Division contacted Division, notified that they had served an NSL in support of captioned were in receipt of telephone toll records, but a check of ACS had revealed that the matter had been administratively closed by Division.	b2 b7E
U)	Subsequent checks of ACS revealed that a routine lead was set by Division to Division to serve the NSL on 11/07/2003 (set in ACS), and assigned at Division on 11/10/2003 (routine lead coverage within 60 days). Division served the NSL to the telephone provider on 11/14/2003, but did not provide the requested telephone records until 02/27/2004. The date that Division obtained the records was after administrative closure of this investigation. Division is forwarding the collected telephone records to Division. Upon receipt of information from no personnel will open and/or review the enclosed material. The material will remain in a sealed envelope and be archived within the closed investigative file.	b2 b7E b4 b7E

To: Counterterrorism From:

b2 b7E

Re: 278-HQ-C1229736 03/04/2004

LEAD(s):

Set Lead 1: (Info)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) For ITOS 1, Conus 3, Team 12: Read and clear.

Set Lead 2:

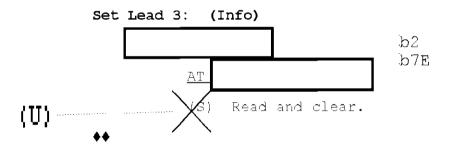
COUNTERTERRORISM

AT WASHINGTON, DC

(U)

For Office of General Council (OGC), NSLB:

Referred as possible IOB violation, for appropriate action.



SECRE

From: Sent: To: Subject:	(OGC) (FBI) Thursday, March 09, 2006 4:02 PM HQ-Div09-OGC; FBI_ALL CDCs; FBI_SAC's; HQ-DIV05-ALL EMPLOYEES; HQ-DIV13-ALL EMPLOYEES; HQ-DIV16-ALL EMPLOYEES New National Security Letter Signature Delegation Authority and new EC/NSL ponies	.b6 .b7C
Importance:	High	
SECRET RECORD 319X-H	IQ-A1487720-OGC	
Security NSLs impalong with new po	oved an EC this afternoon delegating new signature authorities for National plementing the reauthorized PATRIOT Act. The EC is on the NSLB website prices for ECs and NSLs. THE PRIOR EC FORMATS AND NSL JLD NO LONGER BE USED.	
See attached link.		
Please dissemina	te as appropriate.	.b2
National Security	Law Policy and Training Unit	b6 b7C b2
	d Attorney-Client/Attorney Work Product Communication Multiple Sources 1: 20160309	

DECLASSIFIED BY 651797DMH/KSR/RW ON 11-19-2007

NSL VIO-34346

U.S. Department of Justice

Federal Bureau of Investigation



Washington, D. C. 20535-0001

BY COURIER

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

Dear General Scowcroft:

Enclosed for your information is a self-explanatory enclosure entitled "Intelligence Oversight Board (IOB) Matter, Division, 2004 "

b2 b7E

This 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

UNCLASSIFIED WHEN DETACHED FROM CLASSIFIED ENCLOSURE

Derived from: FBI SCG G-3
Declassify on: June 28, 2029

DECLASSIFIED BY 65179/DMH/KSR/RU ON 11-19-2007

SECRET

NSL VIO-34347

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.

Sincerely,

John F. Curran Deputy General Counsel

- 1 The Honorable John D. Ashcroft Attorney General U.S. Department of Justice Room 5111





	MessageFrom: CFBI b2 Sent: Friday, June 25, 2004 10:47 AM b7E	.txt	
	SUBJECT: RE: Possible 108 Violation b6 SERRET b7C RECORD 278-hq-c1229736 Serial 401		
	Yes, the information was sent to to information was not reviewed. The package was sealed	At up and se	that point the nt toin order to
	be archived. Thanks for your help. b6 b7Original Message	С	<u></u>
	From: OGC) (FBI) b7 Sent: Friday, June 25, 2004 9:35 AM To: (FBI) Subject: FW: Possible 10B Violation	Е	
	SECRET C1229736 Serial 401		ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE
	I'm following up on my email to you earlier this we or someone else on your behalf, can answer the questi	ek. I wou on below s	ld appreciate it if you, o that I can close this
	Assistant General Counsel Counterterrorism Law Unit I National Security Law Branch Office of the General Counsel, FBI, JEH, Room 7975 202-324	b6 b7c b2 b7E	DATE: 11-19-2007 CLASSIFIED BY 65179/DMH/KSR/RW REASON: 1.4 (c) DECLASSIFY ON: 11-19-2032
	From: (OGC) (FBI) Sent: Monday. June ZI. 2004 2:50 PM To: (FBI) Subject: Possible IOB Violation		
	SECORD 278-hq-c1229736 Serial 401		b1
(S)	I am trying to close out a possible IOB violation t # 278-HQ-C1229736 VIO Serial 401 (03/04/2004), concer	rning	copy attached. D2
	Can you please verify for me that Page 1	orward the	information collected .D/E



from the NSL to and that has in fact sealed and archived the NSL info as you stated that you planned to do in the last paragraph of you EC?	
Assistant General Counsel Counterterrorism Law Unit I National Security Law Branch Office of the General Counsel, FBI, JEH, Room 7975 202-324-	b2 b7I b6 b70
DERIVED FROM: G-3 ERI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations DECLASSIFY ON: 20290621 SECRET	
DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations DECLASSIFY ON: 20290621 SECRET	
DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations DECLASSIFY ON: 20290621 SECRET	

b2 b7E

b7C

U.S. Department of Justice



Federal Bureau of Investigation

SECRE

Washington, D. C. 20535-0001

BY COURIER

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

Dear General Scowdroft:

Enclosed	for yo	ur info.	rmation is	a self	f-expl	anatory
ure entitled		l igence	Oversight	Bcard	(TOB)	Matter,
Division, 20	04					

b2 b7E

This 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

UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE

Derived from : FBI SCG G 3
Declassify on: June 28, 2029

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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.

Sincerely,

John F. Curran Deputy General Counsel

- 1 The Honorable John D. Ashcroft Attorney General U.S. Department of Justice Room 5111