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From: [redacted] OGC) (FBI)
Sent: Thursday, March 22, 2007 2:07 PM
To: [redacted] (OCA) (FBI)
Cc: BEERS, ELIZABETH RAE (OCA) (FBI)
Subject: Additional Questions for Dir's SJC Testimony Prep

Importance: High
UNCLASSIFIED
NON-RECORD

[redacted]

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Thanks for your call this morning. I look forward to meeting you and to working with you.

This also confirms the matters that you discussed on the telephone with Beth while I was in her office. Specifically, we in OGC will take Nos. 3-5 on the attached list. However, Nos. 1&2 should be directed to others. (We recommend RMD regarding No. 1; Finance Division and CAU regarding No. 2.)

Thanks for your help.

[redacted]

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-----Original Message-----
From: [redacted] (OCA)(FBI)
Sent: Thursday, March 22, 2007 11:13 AM
To: [redacted] (OGC) (FBI)
Subject: FW: Questions

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NON-RECORD

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DATE 01-04-2008 BY 65179/DMH/KSR/RW

-----Original Message-----
From: BEERS, ELIZABETH RAE (OCA) (FBI)
Sent: Thursday, March 22, 2007 11:10 AM
To: [redacted] (OCA)(FBI) [redacted] (DO) (FBI)
Subject: FW: Questions

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[redacted] the enclosed list of questions comes from a review of Valerie Caproni's testimony this week before HJC - instances in which she did not provide complete answers - and we can expect the same questions for the Director. Please work with NSLB to draft responses to these specific questions (suggest starting with [redacted] for the Director's Q&A book we can include them

under the existing NSL tab and can probably be in a single document. [redacted] is working on several NSL-related issues for us now - please clarify that the briefing book is our current priority. Thanks,

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Beth Beers
Office of Congressional Affairs
202-324-[redacted]

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

From: KALISCH, ELENI P. (OCA) (FBI)
Sent: Thursday, March 22, 2007 10:48 AM
To: BEERS, ELIZABETH RAE (OCA) (FBI)
Subject: Questions

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Beth:
Please have the attached Questions from the House Judiciary hearing added to the Q&A book.
Thanks,
Eleni



Followup Qs.wpd (5
KB)

UNCLASSIFIED

From: [redacted] (OGC) (FBI)
Sent: Monday, August 07, 2006 2:51 PM
To: [redacted] (O) (FBI) [redacted] (FBI)
Cc: [redacted] (OGC) (FBI) [redacted] (OGC)(FBI)
Subject: COMPLETED REVIEW: NFIPM, Sec. 2-17

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[redacted]

Attached you'll find the **completed review** of NFIPM, **Sec. 2-17**.

[redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Monday, August 07, 2006 2:49 PM
To: [redacted] (OGC) (FBI)
Subject: Thx! (Sec. 2-17)

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Outstanding, [redacted] Sincere thanks.

[redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Monday, August 07, 2006 2:47 PM
To: [redacted] (OGC) (FBI) [redacted] (OGC) (FBI)
Subject: [redacted]

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Section
-17rev.doc (101 KB)

Here is the revised NSL manual section 2-17.

[redacted]

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NSL VIO-29436

Pre-USA PATRIOT Act	Post-USA PATRIOT Act
Approval authority could be no lower than Deputy Assistant Director	<p>The authority to sign NSLs has been <u>delegated</u> to:</p> <ul style="list-style-type: none"> • the Deputy Director and Executive Assistant Director for CT/CI; • Assistant Directors in charge and all DADs for CT/CI/Cyber (except that CI and Cyber ADs and DADs do not have any authority with respect to 1681v NSLs); • General Counsel; • Deputy General Counsel for National Security Affairs; • Assistant Directors in Charge in NY, D.C., and LA; and, • all SACs (An acting SAC may not sign an NSL).

C. Retention/Dissemination of NSL Information:

Pre-USA PATRIOT Act	Post-USA PATRIOT Act
---------------------	----------------------

<ul style="list-style-type: none"> •As stated, FBI Policy pre and post USA PATRIOT Act has been to maintain the information derived from NSLs regardless of whether it turns out to be relevant (for example - FBI determines that a target is not a threat). CTD mandates that all telephone information go into Telephone Applications. •Dissemination is further subject to specific statutory limitations: •Privacy Act regarding U.S. Person information; • toll record NSL statute, ECPA, 18 U.S.C. §2709, and financial record NSL statute, RFPA, 12 U.S.C. §3414(a)(5)(B), permit dissemination if per NSIG and information is clearly relevant to responsibilities of recipient agency; •limited credit information NSL statute, FCRA, 15 U.S.C. §1681u, permits dissemination to other federal agencies as may be necessary for the approval or conduct of an FCI investigation; and, •no special statutory rules for dissemination under full credit report NSL statute, FCRA, 15 U.S.C. §1681v. 	<ul style="list-style-type: none"> •Information obtained through the use of an NSI, may be retained and disseminated in accordance with general standards set forth in The Attorney General's Guidelines for FBI National Security Investigation and Foreign Intelligence Collection (NSIG). •FBI Policy pre and post USA PATRIOT Act has been to maintain the information derived from NSLs regardless of whether it turns out to be relevant (for example - FBI determines that a target is not a threat). CTD mandates that all telephone information go into Telephone Applications. •Dissemination is further subject to specific statutory limitations: •Privacy Act regarding U.S. Person information; • toll record NSL statute, ECPA, 18 U.S.C. §2709, and financial record NSL statute, RFPA, 12 U.S.C. §3414(a)(5)(B), permit dissemination if per NSIG and information is clearly relevant to responsibilities of recipient agency; •limited credit information NSL statute, FCRA, 15 U.S.C. §1681u, permits dissemination to other federal agencies as may be necessary for the approval or conduct of an FCI investigation; and, •no special statutory rules for dissemination under full credit report NSL statute, FCRA, 15 U.S.C. §1681v.
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III. Congressional Reporting? What? When?:

<p>Statute</p>	<p>Reporting Requirement</p>
----------------	------------------------------

<p>Electronic Communications Privacy Act 18 U.S.C. §2709(e)</p>	<p>Semiannual Reporting:</p> <p>For toll billing/electronic communication transactional records the FBI reports –</p> <ul style="list-style-type: none"> •Total NSLs re Non-US Persons. •Total # of investigations of different Non-USPs. •Total NSLs re US Persons. •Total # of investigations of different USPs. <p>For subscriber information, the FBI only reports # of NSLs.</p>
<p>Right to Financial Privacy Act 12 U.S.C. § 3414(a)(5)</p>	<p>Semiannual Reporting:</p> <p>For requests for financial records, the FBI reports –</p> <ul style="list-style-type: none"> •Total NSLs re Non-US Persons. •Total # of investigations of different Non-USPs. •Total NSLs re US Persons. •Total # of investigations of different USPs.
<p>Fair Credit Reporting Act 15 U.S.C. § 1681u(a) & (b)</p>	<p>Semiannual Reporting</p> <p>For requests for financial institution and consumer identifying information, and consumer credit reports, the FBI reports–</p> <ul style="list-style-type: none"> •NSLs re Non-US Persons. •NSLs re USPs.
<p>Fair Credit Report Act 15 U.S.C. § 1681v</p>	<p>No reporting requirement under the Fair Credit Reporting Act.</p>

The FBI does not have a reporting requirement for full credit reports under the Fair Credit Reporting Act (15 U.S.C. § 1681v). For the other NSLs, the FBI complies with semiannual reporting requirement as required by statute.

IV. Problems with NSLs:

- NSLs limited to specific categories of information (limited by statute).
- NSLs can be unreliable in time-sensitive investigations since the FBI often encounters

delays in the process.

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FinalGCCaproni sRevisdSSCIQFRS.txt
From: [redacted] (OGC) (FBI)
Sent: Tuesday, May 02, 2006 1:53 PM
To: [redacted] (OCA) (FBI)
Cc: [redacted] (DO) (FBI)
Subject: THX! (FINAL - GC Caproni's REVISED SSCI QFRS)

~~SECRET~~
RECORD NSIGs; NSLs

DECLASSIFIED BY 65179/DMH/KSR/RW
ON 01-14-2008

Thanks again, [redacted]

standing by....

[redacted]

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

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From: [redacted] (OCA) (FBI)
Sent: Tuesday, May 02, 2006 1:50 PM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (DO) (FBI)
Subject: RE: FINAL - GC Caproni's REVISED SSCI QFRS

~~SECRET~~
RECORD NSIGs; NSLs

[redacted]

Thanks! we will prepare a transmittal letter and make sure ExecSec is copied on the outgoing mail. It may take a day or two, especially if we need to get DOJ-OLA concurrence.

[redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Tuesday, May 02, 2006 1:17 PM
To: [redacted] (OCA) (FBI); [redacted] (DO) (FBI)
Subject: FINAL - GC Caproni's REVISED SSCI QFRS

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RECORD NSIGs; NSLs

[redacted]

I received the attached a few minutes ago. It reflects that GC Caproni forwarded her SSCI QRF responses to Sue Hayn.

Can you folks close out the pending action that the ExecSec recently opened regarding this matter. Or, since it's something that they opened in OGC's name, is that something we have to do?

Thanks again for all your help and patience.

[redacted]

FinalGCCaproni'sRevisedSSCIQFRS.txt

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

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From: CAPRONI, VALERIE E. (OGC) (FBI)
Sent: Tuesday, May 02, 2006 1:11 PM
To: [redacted] (OCA) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI)
Subject: FW: GC Caproni's REVISED SSCI QFRS

~~SECRET~~
RECORD NSIGs; NSLs

[redacted]

Attached are the responses to the SSCI QFRs.

VC

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

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From: [redacted] (OGC) (FBI)
Sent: Monday, May 01, 2006 10:07 AM
To: CAPRONI, VALERIE E. (OGC) (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: FW: GC Caproni's REVISED SSCI QFRS

~~SECRET~~
RECORD NSIGs; NSLs

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

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From: [redacted] (OGC) (FBI)
Sent: Tuesday, April 18, 2006 4:21 PM
To: CAPRONI, VALERIE E. (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: FW: GC Caproni's REVISED SSCI QFRS

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RECORD NSIGs; NSLs

Valerie:

Here are the answers to your QFR's with our answers to the questions you had incorporated into the answers. I think that OCA wants this by the end of the week.

[redacted] who has been working this for you with [redacted] must go [redacted] tomorrow, so [redacted] will fill in for him if you should want more changes.

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[redacted]
Unit Chief
National Security Law Policy and Training Unit
FBI HQ Room 7975
STU III: (202) [redacted]

FinalCCCaproni sRevi sdSSCIQFR5.txt

Unclassified Fax: (202) 374-
Secure Fax: (202)

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~~DERIVED FROM: Multiple Sources
DECLASSIFY ON: 20160418
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From: [redacted] (OGC) (FBI)
Sent: Wednesday, March 28, 2007 11:07 AM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: Follow-up Re 1st DRAFT - Conyers' QFR No. 9 (Caproni, 20 Mar 07)

Importance: High
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Thanks [redacted] Most appreciated.

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I'm eager to wrap up these answers this week--the sooner, the better. But, I'll gladly await input from [redacted] and/or [redacted] before "going final" and submitting the responses to GC Caproni.

In the meantime, thanks to all!

[redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Wednesday, March 28, 2007 11:00 AM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: GULYASSY, ANNE M. (OGC) (FBI)
Subject: FW: 1st DRAFT - Conyers' QFR No. 9 (Caproni, 20 Mar 07)
Importance: High

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NON-RECORD

FYI, looks like [redacted] is out so am including [redacted] and [redacted] w/ cc to Anne

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

From: [redacted] (OGC) (FBI)
Sent: Wednesday, March 28, 2007 10:57 AM
To: [redacted] (OGC) (FBI)
Subject: Out of Office AutoReply: 1st DRAFT - Conyers' QFR No. 9 (Caproni, 20 Mar 07)

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I am currently out of the office and will not return until 4/2/07.
If you need immediate assistance, please contact [redacted] at [redacted]
[redacted] or [redacted] at 202-[redacted]
[redacted]

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

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From: [redacted] (OGC) (FBI)
Sent: Wednesday, March 28, 2007 10:57 AM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); KELLEY, PATRICK W. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: 1st DRAFT - Conyers' QFR No. 9 (Caproni, 20 Mar 07)
Importance: High

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[redacted] I would like to add to discussion the following points:
[redacted]

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

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From: [redacted] (OGC) (FBI)
Sent: Wednesday, March 28, 2007 8:54 AM
To: [redacted] (OGC) (FBI)
Subject: 1st DRAFT - Conyers' QFR No. 9 (Caproni, 20 Mar 07)
Importance: High

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[redacted]

Before I forward the DRAFT response (below) to GC Caproni for her thoughts, I wanted to bounce it off you. [redacted]

[redacted]

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If we end up going forward with something along these lines, what--if anything--do you wish to add?

[redacted]

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

From: THOMAS, JULIE F. (OGC) (FBI)
Sent: Wednesday, March 28, 2007 7:37 AM
To: [REDACTED] (OGC) (FBI)
Subject: RE: QUESTION Re 1st DRAFT - Conyers' QFR No. 9 (Caproni, 20 Mar 07)

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Forward to Ms. Caproni.

Julie F. Thomas
DGC, National Security Law Branch
Office of the General Counsel
Room 7975
202-324-[REDACTED]
202-324-[REDACTED]

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[REDACTED]

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

From: [REDACTED] (OGC) (FBI)
Sent: Tuesday, March 27, 2007 4:59 PM
To: THOMAS, JULIE F. (OGC) (FBI)
Subject: QUESTION Re 1st DRAFT - Conyers' QFR No. 9 (Caproni, 20 Mar 07)

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Julie --

[REDACTED] may have additional comments to offer regarding QFR No. 9. In the meantime, can you live with the comments (below) as NSLB's portion of the response?

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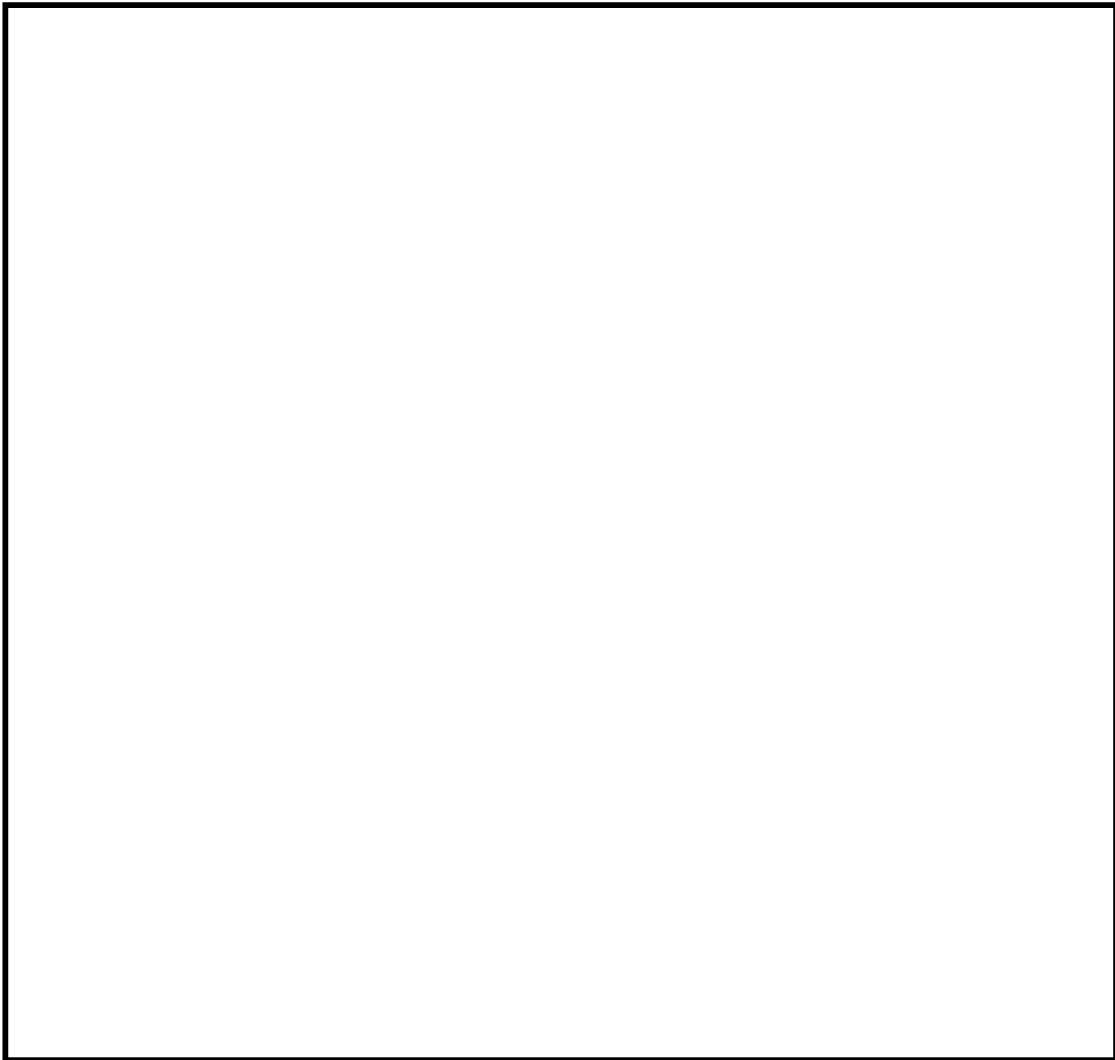
[REDACTED]

9. [P]lease detail the FBI's reasons for the retention of data pertaining to individuals who the FBI has concluded are irrelevant to terrorism investigations.

Response:

[REDACTED]

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...

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

From: KELLEY, PATRICK W. (OGC) (FBI)

Sent: Friday, March 23, 2007 8:27 AM

To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)

Cc: [redacted] (OGC) (FBI)

Subject: FW: QFRs Im GC Caproni's HJC Hrg (20 Mar 07)

Importance: High

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[redacted] please take #3--provide input to [redacted] and copy me.

NSL VIO-29516

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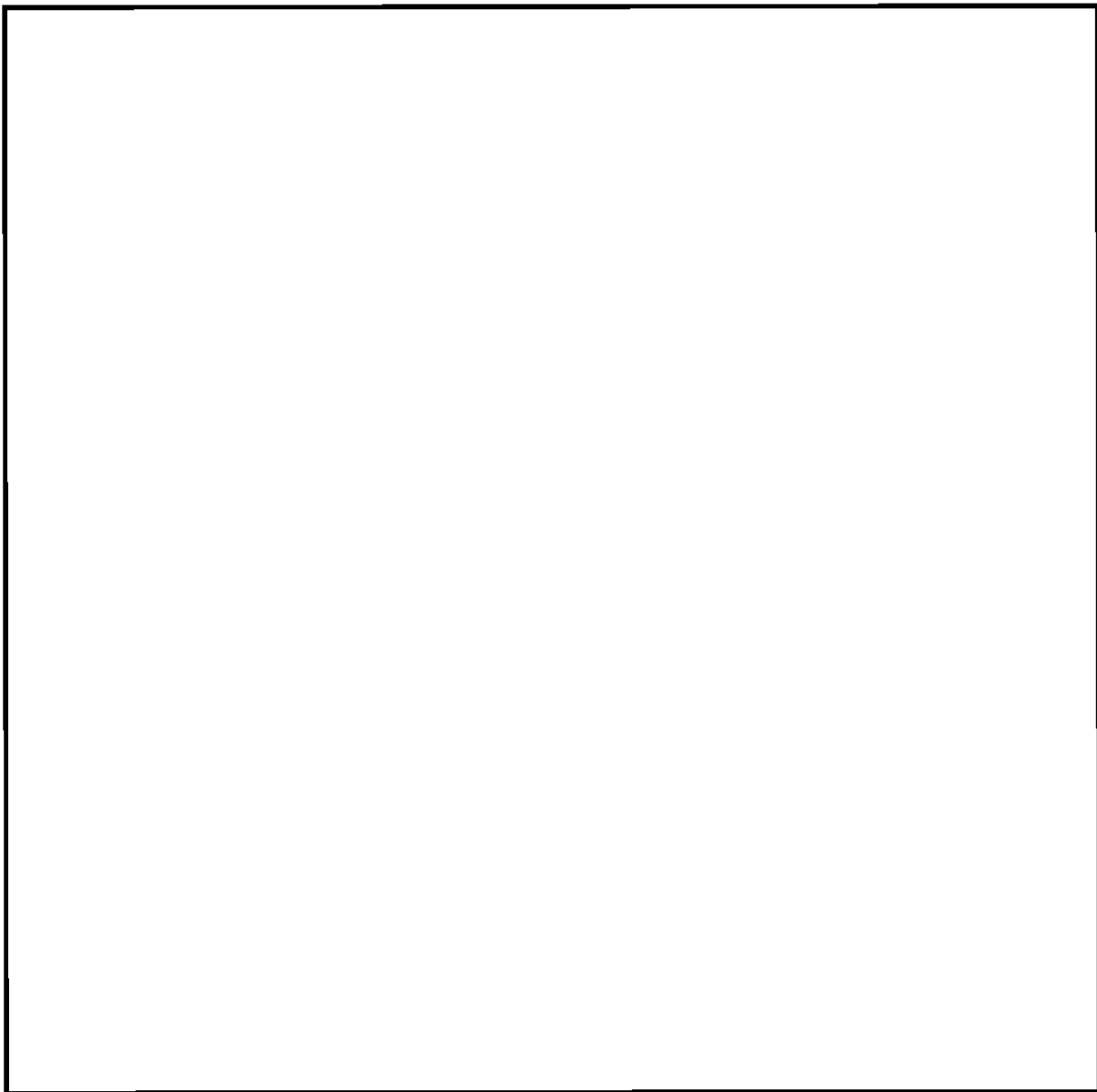
[redacted] please take #9. Ditto. Thanks. (The answer to this will assist me in the Data Retention Working Group.)

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

From: [redacted] (OGC) (FBI)
Sent: Thursday, March 22, 2007 3:07 PM
To: KELLEY, PATRICK W. (OGC) (FBI)
Cc: THOMAS, JULIE F. (OGC) (FBI)
Subject: QFRs fm GC Caproni's HJC Hrg (20 Mar 07)
Importance: High

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From: [redacted] (OGC) (FBI)
Sent: Thursday, March 08, 2007 10:31 AM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: Follow-up REQUEST Re OGC's ECPA Legislative Proposal

Importance: High
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[redacted]

As you've probably gathered by now, the two documents below are the GC-approved submissions that went across the street to DOJ last December--(1) the WP document that's the Master List of all FBI legislative proposals (the ECPA proposal being third from the end) and (2) the WORD document that was an attachment to the Master List.

Each of the above comports with our October 2006 submissions to OCA. **HOWEVER**, when I compare them to the language that DOJ is currently proposing (i.e., the language that Julie sent to us this morning via Internet Cafe), I see some differences. That's where your assistance would be extremely helpful.

Julie needs to know ASAP how the DOJ proposal compares to ours and to what extent the differences really do matter.

Given that you're the one who put together this particular proposal, your comments would be critical.

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As always, sincere thanks!

[redacted]

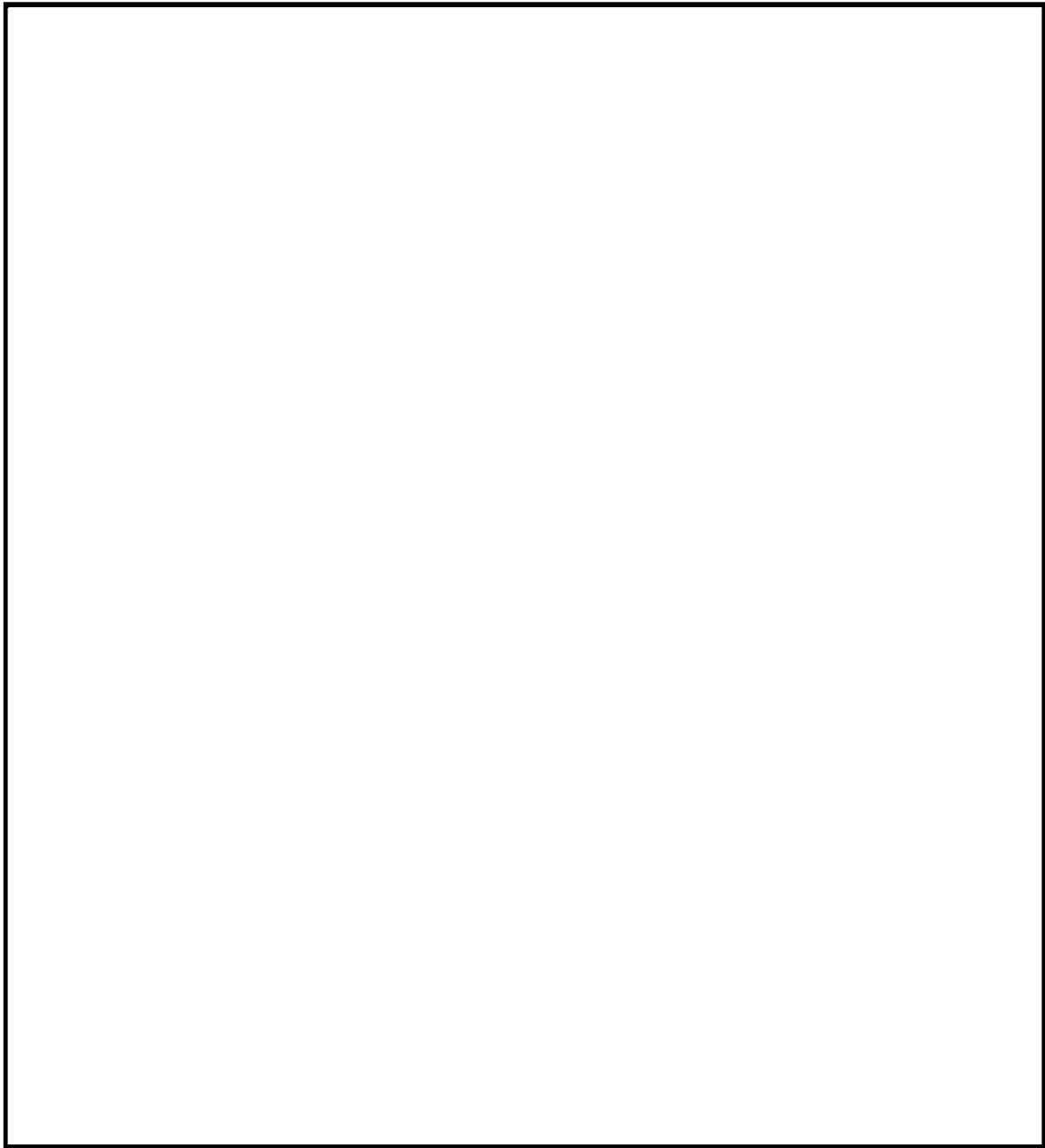
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-----Original Message-----
From: [redacted] (DO) (FBI)
Sent: Thursday, March 08, 2007 10:02 AM
To: [redacted] (OGC) (FBI)
Subject: PW: REQUEST Re OGC's ECPA Legislative Proposal
Importance: High

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NSL VIO-29519



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NSL VIO-29521

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From: [redacted] (OGC) (FBI)
Sent: Thursday, March 22, 2007 5:08 PM
To: THOMAS, JULIE F. (OGC) (FBI)
Subject: Follow-up Re OCA Tasking OGC Input Needed (CHART)

Importance: High
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Julie --

On the three issues mentioned in the e-mails (below), these two papers represent the extent of our work.

FYI.

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OGC-FISA
oting(with edits).do.



OGC-Intelligence
Oversight Boa...

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

From: [redacted] (OGC) (FBI)
Sent: Thursday, March 22, 2007 5:03 PM
To: THOMAS, JULIE F. (OGC) (FBI)
Subject: RE: OCA Tasking OGC Input Needed (CHART)
Importance: High

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No, Julie.

Never heard of it, and I've no clue regarding it.



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

From: THOMAS, JULIE F. (OGC) (FBI)
Sent: Thursday, March 22, 2007 5:01 PM
To: [redacted] (OGC) (FBI)
Subject: FW: OCA Tasking OGC Input Needed

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[Redacted]

Are you working on any chart for OCA?

Julie F. Thomas
DGC, National Security Law Branch
Office of the General Counsel
Room 7975
202-324-[Redacted] b2
202-324-[Redacted] (fax)

[Redacted]

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

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From: [Redacted] (INSD) (FBI)
Sent: Thursday, March 22, 2007 2:08 PM
To: THOMAS, JULIE F. (OGC) (FBI)
Subject: OCA Tasking OGC Input Needed

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I spoke with Beth Beers to see what she needed from Inspection in preparation for the Director's testimony. She is requesting I make chart outlining the action taken, scope of review and current status for the three areas below. I think this should be a very general overview.

Congressional Reporting
Exigent Letters
IOB Issues

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I think this chart should include input from both INSD and OGC. Have you assigned anyone to work on this already or is this the first you are hearing about it? It is due Friday mid-day, so I want to get started soon. Let me know what you think [Redacted]

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FWGCCaproni'sREVISEDSSCIQFRS.txt

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From: [redacted] (OGC) (FBI)
Sent: Monday, May 01, 2006 10:07 AM
To: CAPRONI, VALERIE E. (OGC) (FBI)
Cc: [redacted] (DI) (FBI)
Subject: FW: GC Caproni's REVISED SSCI QFRS

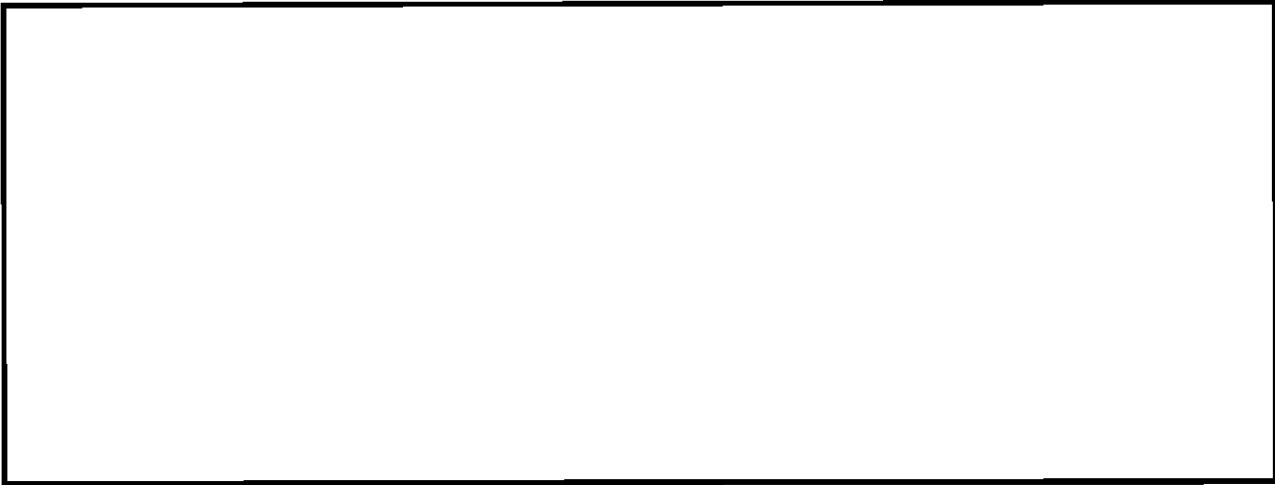
~~SECRET~~
RECORD NSIGs; NSLs

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

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From: [redacted] (OGC) (FBI)
Sent: Tuesday, April 18, 2006 4:21 PM
To: CAPRONI, VALERIE E. (OGC) (FBI); THOMAS, JULIE E. (OGC) (FBI); [redacted]
(OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
[redacted] (OGC) (FBI)
Subject: FW: GC Caproni's REVISED SSCI QFRS

~~SECRET~~
RECORD NSIGs; NSLs Duplicate email this file



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DECLASSIFY ON: 20160418
SECRET~~

~~DERIVED FROM: Multiple Sources
DECLASSIFY ON: 20160418
SECRET~~

DECLASSIFIED BY: 65179/DMH/KSR/RW
ON: 01-14-2008

From: [REDACTED] (OGC) (FBI)
Sent: Thursday, March 02, 2006 9:50 AM
To: [REDACTED] (OGC) (FBI)
Subject: FW: REVISED NSL Op Ed [DRAFT]

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-----Original Message-----
From: [REDACTED] (OGC) (FBI)
Sent: Friday, November 18, 2005 12:16 PM
To: [REDACTED] (OGC) (FBI)
Subject: REVISED NSL Op Ed [DRAFT]

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VSL Op Ed.wpd (13
KB)

For review.

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NSL VIO-29530

From: [redacted] (OGC) (FBI)
Sent: Monday, March 26, 2007 11:02 AM
To: [redacted] (IR) (FBI)
Subject: FYI: Addit NSL Questions for Dir's SJC Testimony (27 Mar 07)

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NON-RECORD

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[redacted] for your files.

[redacted]

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

From: CAPRONI, VALERIE E. (OGC) (FBI)
Sent: Friday, March 23, 2007 7:10 PM
To: BEERS, ELIZABETH RAE (OCA) (FBI); [redacted] (OGC) (FBI)
Cc: THOMAS, JULIE F. (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: FW: Ques No. 5 - Addit NSL Questions for Dir's SJC Testimony (27 Mar 07)
Importance: High

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UNCLASSIFIED Duplicate Email OGC Employee 12
NON-RECORD

[redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Friday, March 23, 2007 11:26 AM
To: CAPRONI, VALERIE E. (OGC) (FBI)
Cc: THOMAS, JULIE F. (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: Ques No. 5 - Addit NSL Questions for Dir's SJC Testimony (27 Mar 07)
Importance: High

b6
b7C

UNCLASSIFIED Duplicate email OGC Employee 12
NON-RECORD

[redacted]



UNCLASSIFIED

Duplicate

From: [redacted] (OGC) (FBI)
Sent: Friday, March 16, 2007 11:15 AM
To: [redacted] (OGC) (FBI)
Subject: FYI: Follow-up Re IMPORTANT CHANGE Re "Judiciary testimony"

UNCLASSIFIED
NON-RECORD

b6
b7C

[redacted] FYI.

Again, OOPS!!!

[redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Friday, March 16, 2007 10:47 AM
To: [redacted] (OGC) (FBI)
Subject: FYI: Follow-up Re IMPORTANT CHANGE Re "Judiciary testimony"

UNCLASSIFIED
NON-RECORD

b6
b7C

[redacted]

Thanks for your help. Many/most of your points were addressed in OCA's revision late last night. As for the most important points which weren't, please see my e-mail to OCA (below).

FYI.

[redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Friday, March 16, 2007 10:44 AM
To: BEERS, ELIZABETH RAE (OCA) (FBI)
Cc: CAPRONI, VALERIE E. (OGC) (FBI)
Subject: Follow-up Re IMPORTANT CHANGE Re "Judiciary testimony"
Importance: High

UNCLASSIFIED
NON-RECORD

b6
b7C

Beth --

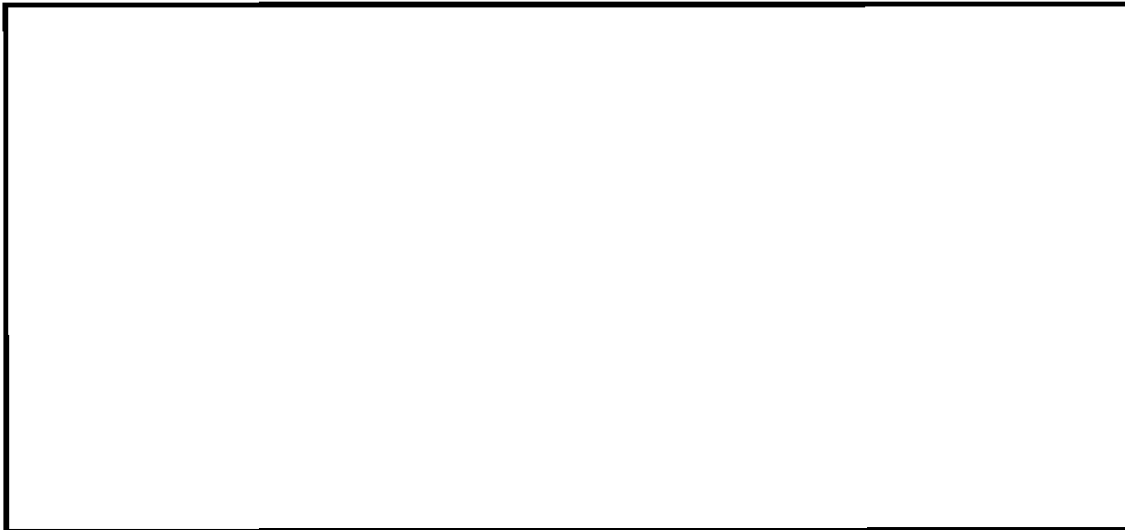
Thanks for making the change.

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DATE 01-08-2008 BY 65179/DMH/KSR/RW

NSL VIO-29553

We've only three more points for your consideration--none so critical as the one you just addressed, but worthy of consideration nonetheless.

AGC [redacted] offered the following:



b6
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b5

I don't foresee any further NSLB comments.

Thanks again!



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

From: BEERS, ELIZABETH RAE (OCA) (FBI)
Sent: Friday, March 16, 2007 10:00 AM
To: [redacted] (OGC) (FBI); CAPRONI, VALERIE E. (OGC) (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: RE: IMPORTANT CHANGE Re "Judiciary testimony"

b6
b7C

UNCLASSIFIED
NON-RECORD

I've made this change.

Beth Beers
Office of Congressional Affairs
202-324 [redacted]

b2

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

From: [redacted] (OGC) (FBI)
Sent: Friday, March 16, 2007 9:20 AM
To: CAPRONI, VALERIE E. (OGC) (FBI)
Cc: BEERS, ELIZABETH RAE (OCA) (FBI); [redacted] (OGC) (FBI)
Subject: IMPORTANT CHANGE Re "Judiciary testimony"

b6
b7C

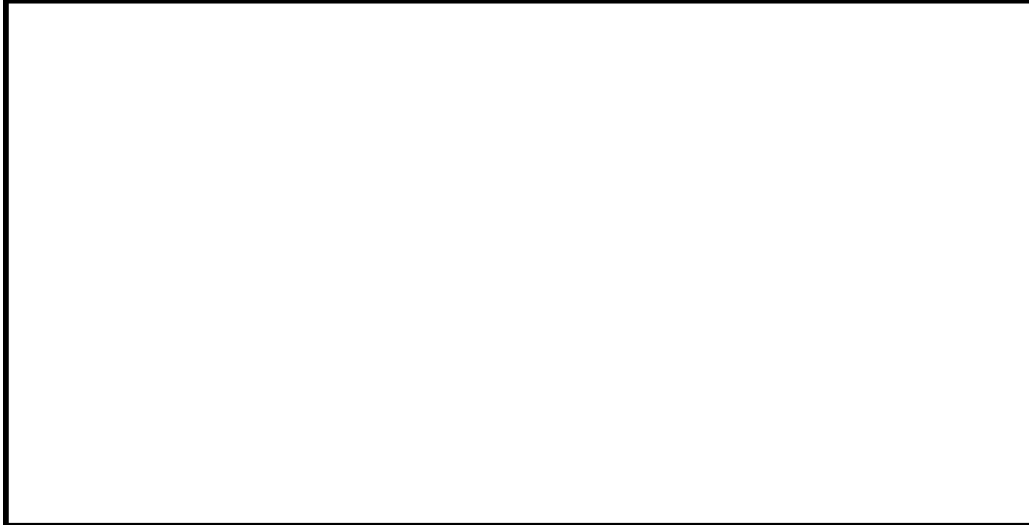
NSL VIO-29554

Importance: High

UNCLASSIFIED
NON-RECORD

Ms. Caproni --

There's an important correction that needs to be made [redacted]



b5
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b7C

Recommendation: That page 11 be revised to reflect the above.



b6
b7C

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

From: BEERS, ELIZABETH RAE (OCA) (FBI)
Sent: Friday, March 16, 2007 8:45 AM
To: CAPRONI, VALERIE E. (OGC) (FBI); KALISCH, ELENI P. (OCA) (FBI); MONACO, LISA (DO) (OGA)
Cc: DILLINGHAM, WAYNE F. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (DO) (FBI); [redacted] (DO) (FBI)
Subject: RE: Judiciary testimony
Importance: High

UNCLASSIFIED
NON-RECORD

Attached are revised drafts of the NSL testimony. I've included a clean version and a redline/strikeout version in the event other are also making edits. These versions include the edits sent forward from NSLB through [redacted] by email yesterday afternoon. It looks like there are a couple of outstanding questions - namely 1) [redacted]

b6
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We'd like to get this to DOJ by noon today so that it can be cleared and sent to OMB by cob. Many of my edits substituted language from previously cleared documents (i.e. rsp to OIG or our press statement) in an effort to expedite the clearance process.

Please provide additional edits/thoughts/comments. Thanks,

<< File: Caproni testimony oca clean.wpd >> << File: Caproni testimony.oca.wpd >>

b2

Beth Beers
Office of Congressional Affairs
202-324-

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

From: CAPRONI, VALERIE E. (OGC) (FBI)

Sent: Thursday, March 15, 2007 8:37 AM

To: BEERS, ELIZABETH RAE (OCA) (FBI); (OGC) (FBI);
(OGC) (FBI); KALISCH, ELENI P. (OCA) (FBI); MONACO, LISA (DO) (OGA);
 (OGC) (FBI)

b6

b7c

Subject: Judiciary testimony

UNCLASSIFIED
NON-RECORD

Very rough draft attached. Beth: not ready for DoJ -- still too rough.

Looking for factual corrections, tone, etc.

<< File: housejudiciaryig2007.001.wpd >>

UNCLASSIFIED

NSL VIO-29556

b6
b7C
b5

From: [redacted] (OGC) (FBI)
Sent: Friday, March 23, 2007 10:06 AM
To: [redacted] (OGC) (FBI)
Subject: FYI: [redacted] - QFR fm GC Caproni's HJC Hrg (20 Mar 07)
UNCLASSIFIED
NON-RECORD

b6
b7C

[redacted] here's some info that you'll probably find interesting. FYI.
[redacted]

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DATE 01-08-2008 BY 65179/DMH/KSR/PW

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

b6
b7C
b5

From: [redacted] (OGC) (FBI)
Sent: Friday, March 23, 2007 9:44 AM
To: THOMAS, JULIE F. (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: RE: [redacted] - QFR fm GC Caproni's HJC Hrg (20 Mar 07)

UNCLASSIFIED
NON-RECORD

Julie,

Re: "tracking responses"

We will need to define what it means. I discussed with [redacted] [redacted]

[redacted]

b6
b7C
b5

[redacted]

b5
b6
b7C

[Redacted]

I'm happy to work with whomever you designate [Redacted]

[Redacted]

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

From: THOMAS, JULIE F. (OGC) (FBI)
Sent: Thursday, March 22, 2007 4:39 PM
To: [Redacted] (OGC) (FBI)
Cc: [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI)
Subject: RE: [Redacted] QFR fm GC Caproni's HJC Hrg (20 Mar 07)

b6
b7C
b5

[Redacted]

Julie F. Thomas
DGC, National Security Law Branch
Office of the General Counsel
Room 7975
202-324-[Redacted]
202-324-[Redacted] (fax)

b2

[Redacted]

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

From: [Redacted] (OGC) (FBI)
Sent: Thursday, March 22, 2007 4:20 PM
To: THOMAS, JULIE F. (OGC) (FBI)
Cc: [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI)
Subject: [Redacted] - QFR fm GC Caproni's HJC Hrg (20 Mar 07)

b6
b7C
b5

Julie --

This afternoon, in an office conference with [Redacted]

[Redacted]

FYI.

[Redacted]

b6
b7C

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

From: [Redacted] (OGC) (FBI)

b6
b7C

Sent: Thursday, March 22, 2007 3:31 PM
To: [redacted] (OGC) (FBI)
Subject: RE: QFR from GC Caproni's HJC Hrg (20 Mar 07)

[redacted]

Let's sit down and talk about this.

[redacted]

b6
b7C

-----Original Message-----
From: [redacted] (OGC) (FBI)
Sent: Thursday, March 22, 2007 3:24 PM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: QFR from GC Caproni's HJC Hrg (20 Mar 07)
Importance: High

[redacted]

We've already received some QFRs from GC Caproni's 20 March testimony before the House Judiciary Committee.

Julie asked me to contact you regarding one of those QFRs:

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b7C

[redacted]

Any help you can offer regarding the above would be most appreciated.

Thanks!

[redacted]

UNCLASSIFIED

NSL VIO-29559

~~SECRET~~

b6
b7C

From: [redacted] (OGC) (FBI)
Sent: Wednesday, March 21, 2007 4:58 PM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: FYI: Reference to "Portland Seven" in HJC Testimony (20 Mar 07)

~~Importance: High
SECRET
RECORD NSLs~~

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HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

[redacted]

As we approach today's COB, I felt it appropriate that we ensure GC Caproni and Julie are in the loop on this. FYI.

[redacted]

b6
b7C

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

From: [redacted] (OGC) (FBI)
Sent: Wednesday, March 21, 2007 4:56 PM
To: CAPRONI, VALERIE E. (OGC) (FBI)
Cc: THOMAS, JULIE F. (OGC) (FBI)
Subject: Reference to "Portland Seven" in HJC Testimony (20 Mar 07)
Importance: High

~~SECRET
RECORD NSLs~~

DATE: 01-08-2008
CLASSIFIED BY: 65179/DMH/KSR/RW
REASON: 1.4 (c)
DECLASSIFY ON: 01-08-2033

GC Caproni --

You may have already heard it from OCA. But, in case you've not, you need to be advised that there's an issue regarding your prepared testimony yesterday. Specifically, on page 1 of your Statement, there was a reference to **the "Portland Seven"** as an NSL success story. However, as the e-mail string (below) indicates, that particular case was not a good example after all.

b6
b7C

I learned of the issue today when [redacted] called me to inquire how the reference to the "Portland Seven" found its way into your testimony. He advised that CTD folks [redacted] weren't comfortable with that reference and that they were interested in learning how and why it was used. In particular, they wanted to know because they're currently working on comments for the Director's SJC testimony on 27 March.

As you'll recall, you did NOT include any NSL "success stories" in your initial DRAFT--nor did we in NSLB include them in any of our comments. Instead, they were subsequently inserted by others, per DOJ's request, before your Statement "went final."

NSL VIO-29562

SECRET

~~SECRET~~

The e-mail string (below)--in particular, this afternoon's e-mail from OPA's [redacted] sets forth the details.

b6
b7C

We're still trying to determine whether similar issues exist regarding the other two "success stories"--i.e., the "Lackawanna Six" and the "Norther Virginia Jihad." We'll update you when those answers are available.

FYI.

[redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Wednesday, March 21, 2007 3:47 PM
To: [redacted] (OGC) (FBI)
Subject: RE: Follow-up Question Re "Reference to "Portland Seven" in GC Caproni's HJC Testimony

b6
b7C

~~SECRET~~
RECORD NSLs

Thanks! Please do. I know that'll be the first question that I get from GC Caproni, OCA, OPA, et al.

[redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Wednesday, March 21, 2007 3:45 PM
To: [redacted] (OGC) (FBI)
Subject: RE: Follow-up Question Re "Reference to "Portland Seven" in GC Caproni's HJC Testimony

b6
b7C

~~SECRET~~
RECORD NSLs

I have not heard that from CTD, but [redacted] is apparently looking into it -- from what I heard from CTD. I can check with the substantive desks here.

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

From: [redacted] (OGC) (FBI)
Sent: Wednesday, March 21, 2007 2:42 PM
To: [redacted] (OGC) (FBI)
Subject: Follow-up Question Re "Reference to "Portland Seven" in GC Caproni's HJC Testimony

b6
b7C

~~SECRET~~
RECORD NSLs

[redacted]

NSL VIO-29563

~~SECRET~~

~~SECRET~~

By the way, that same paragraph in GC Caproni's testimony also referenced the "Lackawanna Six" and the "Northern Virginia Jihad."

Do you know whether similar issues apply to those cases? In other words, does CTD have any doubt about whether NSLs were actually used in those cases?

Thanks.

[Redacted]

b6
b7C

-----Original Message-----
From: [Redacted] OGC) (FBI)
Sent: Wednesday, March 21, 2007 3:05 PM
To: [Redacted] OGC) (FBI)
Cc: BEERS, ELIZABETH RAE (OCA) (FBI); [Redacted] (OPA) (FBI)
Subject: RE: UPDATE: "Reference to "Portland Seven" in GC Caproni's HJC Testimony

~~SECRET
RECORD NSLs~~

Thanks. I will share with CTD.

b6
b7C

-----Original Message-----
From: [Redacted] OGC) (FBI)
Sent: Wednesday, March 21, 2007 1:54 PM
To: [Redacted] OGC) (FBI)
Cc: BEERS, ELIZABETH RAE (OCA) (FBI); [Redacted] (OPA) (FBI)
Subject: UPDATE: "Reference to "Portland Seven" in GC Caproni's HJC Testimony
Importance: High

~~SECRET
RECORD NSLs~~

[Redacted]

Please see the e-mail (below) that I just received from OPA's [Redacted] [Sincere thanks, [Redacted] A huge help!]

b6
b7C
b2

I think this answers most, if not all, questions. However, if you need to talk with SSA [Redacted] her number is [Redacted]

Please feel free to share my comments (below) with anyone in CTD who may find them helpful.

[Redacted]

NSL VIO-29564

~~SECRET~~

~~SECRET~~

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

b6
b7C

From: [redacted] (OPA) (FBI)
Sent: Wednesday, March 21, 2007 2:47 PM
To: [redacted] (OGC) (FBI)
Subject: RE: "Reference to "Portland Seven" in GC Caproni's HJC Testimony (UPDATE)

~~SECRET
RECORD NSLs~~

(S)

[redacted] just call and confirmed that the Portland Seven Case file is [redacted] not [redacted] In the [redacted] investigation NSLs were issued.

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[redacted] reiterated that based on their review of ACS for outlets, there were no NSLs issued in the Portland Seven case. The original 199/265 investigation included (4) NSLs issued in the 199 portion of the investigation that were not shared with the individuals on the 265 side.

I hope this helps.

[redacted]

b6
b7C
b2

*Office of Public Affairs
National Press Office*
Rm. 7436
Phone: 202-324-[redacted]
Mobile: 202-[redacted]

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

b6
b7C

From: [redacted] (OGC) (FBI)
Sent: Wednesday, March 21, 2007 2:35 PM
To: [redacted] (OGC) (FBI)
Cc: BEERS, ELIZABETH RAE (OCA) (FBI) [redacted] (OPA) (FBI)
Subject: "Reference to "Portland Seven" in GC Caproni's HJC Testimony
Importance: High

~~SECRET
RECORD NSLs~~

[redacted]

This is to update you regarding whether an NSL was, in fact, used in the "Portland Seven" case.

b6
b7C

I have in my possession a copy of the closing LHM, dated 15 February 2007, which OPA's [redacted] pulled from

NSL VIO-29565

~~SECRET~~

(S)
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b7E
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b7C

ACS a few minutes ago. [Case ID:
 On page 6 of the LHM, the case's investigative techniques are listed. No. 4 on that list is "National Security letter (NSL) requests (telephone information and e-mail information)." One might think that would be the end of it. HOWEVER, also talked with the case agent, this afternoon--then subsequently with SSA At this point is not 100 percent convinced that they can actually demonstrate the use of an NSL in this case. As a result, she instructed to pull the file. We're standing by for the results of search of the file.

So, how did the reference to the "Portland Seven" find its way to GC Caproni's testimony yesterday?

The reference was not in GC Caproni's initial draft. But, when OCA sent the draft across the street to DOJ for review, DOJ asked for the insertion of some examples of "NSL success stories." So, OCA turned to the NSL-related Q&As that OPA had published on their website following the release of the IG's Report. That's where they found the examples that they inserted in the testimony. And, that's why I visited in OPA this afternoon--i.e., for her help in determining OPA's source of information.

b6
b7C

As correctly pointed out, this is information that has been "recycled" in several contexts. It was not specifically drafted for GC Caproni's testimony. So, while I was at her desk, we searched ACS and started the series of phone calls to the agents.

BOTTOM LINE: I'll update you on search of the file just as soon as I learn anything. (Although, by that point, you'll probably have the answer through your own CTD channels. But, two answers are better than one--well, just so long as they reach the same conclusion.)

~~DERIVED FROM: Multiple Sources
DECLASSIFY ON: 20170321
SECRET~~

b6
b7c

From: [redacted] (OGC) (FBI)
Sent: Thursday, March 15, 2007 4:36 PM
To: CAPRONI, VALERIE E. (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
[redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
[redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
[redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
Subject: THOMAS, JULIE F. (OGC) (FBI)
GC Caproni's HJC Testimony (20 Mar 07)

Importance: High
UNCLASSIFIED
NON-RECORD

Ms. Caproni --

b6
b7c

Attached you'll find NSLB's comments regarding the DRAFT of your testimony that you provided to us this morning. [Huge thanks are due to [redacted] for their efforts regarding the attached.]

You should be able to review our comments by going to **File/Document/Reviewer**.



housejudiciaryig200
7.001.wpd (...)

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DATE 01-08-2008 BY 65179/DMH/KSR/RW

NSL VIO-29567

From: [redacted] (OGC) (FBI)
Sent: Wednesday, April 12, 2006 1:16 PM
To: [redacted] (OGC) (FBI)
Subject: Thx! (GC Caproni's Further Revisions to QFRs Re NSLs)

b6
b7C

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

Sincere thanks, [redacted] A HUGE HELP!

[redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Wednesday, April 12, 2006 11:27 AM
To: [redacted] (OGC) (FBI)
Subject: RE: GC Caproni's Further Revisions to QFRs Re NSLs

DECLASSIFIED BY 65179/DMH/KSR/RU
ON 01-08-2008

b6
b7C

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

My thoughts:

5- [redacted] - need to go to NSIG [redacted]
[redacted] I think, but need to
check.

b5
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b7C

7-8- just need to check NSIG. I have nothing else to offer

13- check with [redacted]
[redacted] - I've attached what I use [redacted]

[redacted]

14- [redacted]

[redacted]

[Redacted]

b5
b6
b7C

15 - [Redacted]

[Redacted]

16 - [Redacted]

[Redacted]

[Redacted]

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

b6
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From: [Redacted] (OGC) (FBI)
Sent: Wednesday, April 12, 2006 11:02 AM
To: [Redacted] (OGC) (FBI)
Subject: GC Caproni's Further Revisions to QFRs Re NSLs

~~SECRET//ORCON,NOFORN
RECORD xxx~~

[Redacted]

As you'll recall, we submitted proposed NSL-related QFR responses to GC Caproni a couple of weeks ago. She subsequently spent a tremendous amount of time and effort in substantially revising them.

b6
b7C

Attached you'll find, FYI, GC Caproni's revised responses. They're still in need of spellchecking and proofreading in numerous respects. But, more importantly, she imbedded within her responses **numerous questions which still need to be addressed** before we can submit the document to OCA and then, in turn, to DOJ and SSCI.

If you've an opportunity, please review the questions imbedded within the following: **Answer Nos. 5, 7, 8, 9, 13, 14, 15, and 18.** Any additional comments that you wish to offer regarding any or all of those would be most appreciated.

I conferred with OCA's Action Officer yesterday. We agreed that our submission to OCA could await the return of Julie and [Redacted] next week.

Thanks!



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

From: CAPRONI, VALERIE E. (OGC) (FBI)
Sent: Tuesday, April 11, 2006 12:01 PM
To: [REDACTED] (OGC) (FBI)
Cc: [REDACTED] (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI)
Subject: QFRs

b6
b7c

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



Attached is a redraft of these QFRs. There are a number of embedded questions that need to be answered. We also should individually portion mark the different paragraphs.

VC



qfrsscimarch2006.0
01.wpd (19 K...

~~**DERIVED FROM: Multiple Sources
DECLASSIFY ON: 20160411
SECRET//ORCON,NOFORN**~~

NSL VIO-29570

From: [redacted] (OGC) (FBI)
Sent: Thursday, March 15, 2007 9:02 AM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: GC Caproni's Testimony

Importance: High
UNCLASSIFIED
NON-RECORD

b6
b7c

[redacted] Your help is desperately needed re filling in certain gaps in the attached.

[redacted] I think that some of those gaps relate to IOB issues on which [I think] you've been working.

[redacted]

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

From: CAPRONI, VALERIE E. (OGC) (FBI)
Sent: Wednesday, March 14, 2007 8:03 PM
To: [redacted] (OGC) (FBI); BEERS, ELIZABETH RAE (OCA) (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: testimony

b6
b7c

UNCLASSIFIED
NON-RECORD

This isn't complete and it hasn't been proofed, but I am sending it along so that NSLB can start work on filling in some of the gaps and OCA can tell me if this is what you were thinking about.



housejudiciaryig200
7.001.wpd (...)

UNCLASSIFIED

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DATE 01-08-2008 BY 65179/DMH/KSR/RW

NSL VIO-29571

b6
b7C

From: [redacted] (OGC) (FBI)
Sent: Thursday, February 23, 2006 2:50 PM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: THOMAS, JULIE F. (OGC) (FBI); [redacted] (DI) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: GC's SSCI Bfg on NSLs (Tentatively 8 Mar 06)

Importance: High
UNCLASSIFIED
NON-RECORD

[redacted]

On 22 February, the SSCI FAX'd a letter, dated 17 February, from Sen. Rockefeller (SSCI's Vice Chairman) to the Director. Attached to Sen. Rockefeller's letter was a list of **17 questions that seek detailed answers regarding NSLs.**

b6
b7C

At this point, it does not appear that we'll be required to submit written answers *per se*. Instead, as the events have now unfolded, it appears that **GC Caproni will travel to The Hill for a briefing, tentatively scheduled for 8 March**, during which she'll be expected to address the questions with detailed, focused answers for **SSCI Members.**

With a view toward preparing GC Caproni for her briefing, I transcribed the 17 questions that were FAX'd. **(See attached.)** I'm now forwarding them to you for your review, urgently requesting all the NSL expertise that you can bring to bear in framing answers to each. [NOTE: I've already marked the attached SECRET-although, at this point without answers, it's still UNCLAS. But, once certain answers are inserted, it'll become SECRET.]

In light of all the NSL work that [redacted] has previously done in preparing responses to questions from Congress, et al., I asked [redacted] to begin compiling information for the answers. [redacted] graciously jumped right on it this morning. Now, given the tremendous NSL expertise that you two have, I also desperately seek your help.

Please give the attached a high priority, confer with [redacted] regarding the work he's already done, and then provide me your draft comments. I'll, in turn, combine them with those provided by [redacted] and others and then submit them to GC Caproni.

Sincere thanks!

[redacted]



SSCI's 17 Ques (17
Feb 06).wpd...

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NSL VIO-29573

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b7C

From: [redacted] (OGC) (FBI)
Sent: Thursday, March 02, 2006 9:38 AM
To: [redacted] (OCA) (FBI)
Cc: BEERS, ELIZABETH RAE (OCA) (FBI)
Subject: Thx! [GC's SSCI Hrg on NSLs (8 Mar)]

UNCLASSIFIED
NON-RECORD

Thanks, [redacted] That is great intel. We'll plan accordingly.

[redacted]

b6
b7C

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

From: [redacted] (OCA) (FBI)
Sent: Thursday, March 02, 2006 9:32 AM
To: [redacted] (OGC) (FBI)
Cc: BEERS, ELIZABETH RAE (OCA) (FBI)
Subject: RE: UPDATE (as of 1 Mar) Re Congressional Bfgs

UNCLASSIFIED
NON-RECORD

[redacted]

b6
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As of late yesterday, everything is still proceeding according to your email to Ms. Caproni. I did get one new bit of intel: According to [redacted] [redacted] the NSL briefing on March 8 should provide us with an opportunity to underscore: (1) the lack of any true abuses of NSLs; (2) the inaccuracy of the Washington Post article on NSLs; and (3) the continuing need for Administrative Subpoenas.

[redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Wednesday, March 01, 2006 11:02 AM
To: [redacted] (OCA) (FBI)
Cc: BEERS, ELIZABETH RAE (OCA) (FBI)
Subject: FW: UPDATE (as of 1 Mar) Re Congressional Bfgs

UNCLASSIFIED
NON-RECORD

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FYI.

[redacted]

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DATE 01-08-2008 BY 65179/DMH/KSR/RM

NSL VIO-29574

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

From: [REDACTED] (OGC) (FBI)
Sent: Wednesday, March 01, 2006 11:01 AM
To: CAPRONI, VALERIE E. (OGC) (FBI)
Cc: [REDACTED] (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI) [REDACTED] (OGC)
(FBI) [REDACTED] (OGC) (FBI)
Subject: UPDATE (as of 1 Mar) Re Congressional Bfgs

UNCLASSIFIED
NON-RECORD

Ms. Caproni -- Outside the Scope

As of Wednesday morning, 1 March, here's the status of your upcoming Congressional briefings:

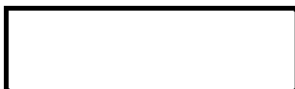


3. **Wednesday, 8 March:** SSCI Member Briefing on NSLs on The Hill at **2:30 pm**. You are scheduled as the sole briefer. This briefing is intended as a response to Sen. Rockefeller's 17 questions recently FAX'd to the Director. Although you will not be expected to submit written responses, NSLB is currently preparing proposed answers for your use in briefing, including the chart that you specifically requested.

FYI:

SSCI Staffers recently asked DOJ for a briefing on the most recent Semi-Annual Report. Among other things, that briefing would address NSL numbers. (As of today, according to Beth Beers, our revised report with corrected NSL numbers remains in DD Pistole's office.) It's yet to be determined whether FBI representation will be requested at this briefing. However, as Beth Beers has suggested, we may very well want to participate--at least in preparations for the briefing--given that it will likely address whether existing reports can be made more meaningful.

We'll, of course, provide details of this requested briefing as they become available.



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NSL VIO-29575

UNCLASSIFIED

NSL VIO-29576

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b7C

From: [redacted] (OGC) (FBI)
Sent: Thursday, March 22, 2007 2:17 PM
To: [redacted] (OCA) (FBI)
Subject: Thx (HJC "QFRs" - "Conyers' 3/20/07 Ltr")

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Duplicate email volume 1/OGC Employee 20



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b7C

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

From: [redacted] (OCA) (FBI)
Sent: Thursday, March 22, 2007 2:15 PM
To: [redacted] (OGC) (FBI)
Subject: RE: Follow-up re HJC "QFRs" - "Conyers' 3/20/07 Ltr"

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Duplicate email volume 1 OGC Employee 20



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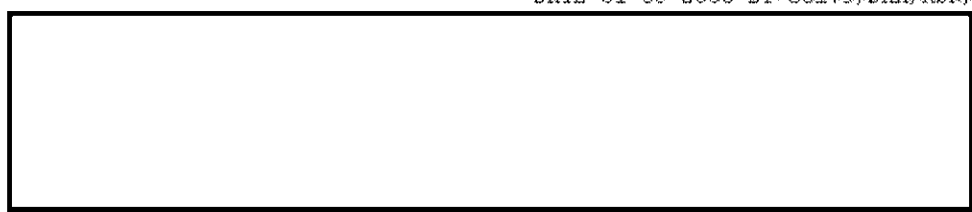
-----Original Message-----

From: [redacted] (OGC) (FBI)
Sent: Thursday, March 22, 2007 2:11 PM
To: [redacted] (OCA) (FBI)
Subject: Follow-up re HJC "QFRs" - "Conyers' 3/20/07 Ltr"
Importance: High

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NON-RECORD

Duplicate email volume 1 OGC Employee 20

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DATE 01-08-2008 BY 65179/DMH/KSR/RW



b6
b7C

From: [redacted] OGC) (FBI)
Sent: Thursday, March 22, 2007 2:00 PM
To: [redacted] OCA) (FBI)
Cc: BEERS, ELIZABETH RAE (OCA) (FBI)
Subject: HJC "QFRs" - "Conyers' 3/20/07 Ltr"

Importance: High
UNCLASSIFIED
NON-RECORD

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b7C

[redacted]

This e-mail follows my office conference with Beth Beers this afternoon. I discussed these matters with Beth, and she instructed me to pass them along to you.

GC Caproni and Julie met this morning to discuss Chairman Conyers' 13 questions and requests for documents. As a result, they asked me to contact OCA regarding certain items which are not within OGC's purview. They ask that OCA task those particular items to the relevant entities for a response.

Here are the specific items they referenced:

QFR No. 1: This should be tasked to ITOD regarding its search, which I think they've already begun. (Any interview transcripts would be in the possession of OIG.) [Beth suggested that you also contact [redacted] in INSP.]

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QFR No. 2: This could be handled in either of two ways, per OCA's discretion. Either (a) it could be tasked to CTD, CAU, and [redacted] for a response, or (b) we in OGC could draft a simple response that merely states that it's all subject to the outcome of the currently ongoing special inspection.

QFR No. 3: We'll check within OGC to determine [redacted] [redacted] However, OCA needs to task Finance Division [redacted] [redacted]

QFR No. 5: OCA needs to contact ITOD [redacted] [redacted] (OGC has nothing responsive.)

QFR No. 6: This one belongs primarily to OGC. However, OCA should also task INSP regarding any documents about which we may be unaware.

QFR No. 8: We'll check to determine what--if anything--we may have that would be responsive. Nevertheless, OCA should contact ITOD, TFOS, and [redacted]

[redacted] regarding this one.

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QFR No. 10: OCA should contact RMD regarding this one. For example,

[redacted]

As for the OGC aspects of the QFRs, I'll serve as your Primary POC.

Sincere thanks.

[redacted]

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

From: [redacted] (OCA) (FBI)
Sent: Wednesday, March 21, 2007 4:01 PM
To: CAPRONI, VALERIE E. (OGC) (FBI)
Cc: BEERS, ELIZABETH RAE (OCA) (FBI)
Subject: Conyers' 3/20/07 Letter with 13 Qs

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Valerie:

Beth indicated that she has spoken to you about Chairman Conyers' 3/20/07 letter asking 13 questions relating to the 3/20/07 NSL hearing. As you know, we will be handling those as QFRs.

I've attached the questions in WordPerfect format so you or your folks can fill in the responses.

I'll rely on you to task these out to your folks as appropriate. When you have answers, please forward them to me for provision to the Committee through the normal QFR process.

Thanks. Let me know if you have questions.

[redacted]

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b2

Office of Congressional Affairs
JEH Building Room 7252
(Send mail to Room 7240)
202-324-[redacted]

NSL VIO-29582



aaCaproni_032007
_OCAResp_03210...

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NSL VIO-29583

From: [redacted] (OGC) (FBI)
Sent: Thursday, March 15, 2007 9:51 AM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
[redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
[redacted] (OGC) (FBI)
Subject: HOT!!! (REVISED Caproni Testimony)

Importance: High
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ALL --

As you review GC Caproni's testimony, **PLEASE use the version (attached)** that she distributed this morning (*vice* last night's). It's different in several respects.

Thanks!

[redacted]

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

From: CAPRONI, VALERIE E. (OGC) (FBI)
Sent: Thursday, March 15, 2007 8:37 AM
To: BEERS, ELIZABETH RAE (OCA) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); KALISCH, ELENI P. (OCA) (FBI); MONACO, LISA (DO) (OGA); [redacted] (OGC) (FBI)
Subject: Judiciary testimony

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Very rough draft attached. Beth: not ready for DoJ -- still too rough.

Looking for factual corrections, tone, etc.



housejudiciaryig200
7.001.wpd (...)

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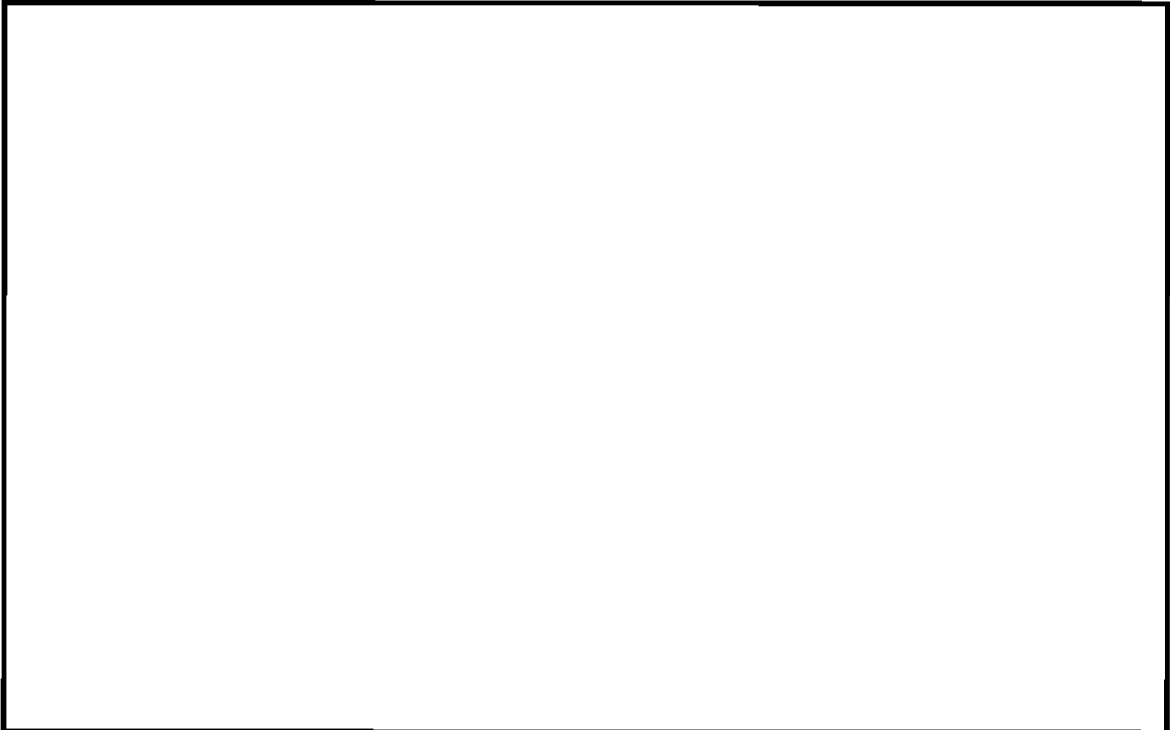
NSL VIO-29584

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From: [redacted] (OGC) (FBI)
Sent: Friday, March 16, 2007 9:20 AM
To: CAPRONI, VALERIE E. (OGC) (FBI) [redacted]
Cc: BEERS, ELIZABETH RAE (OCA) (FBI) [redacted] (OGC) (FBI)
Subject: IMPORTANT CHANGE Re "Judiciary testimony"

Importance: High
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NON-RECORD

Duplicate email this file



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

From: BEERS, ELIZABETH RAE (OCA) (FBI)
Sent: Friday, March 16, 2007 8:45 AM
To: CAPRONI, VALERIE E. (OGC) (FBI); KALISCH, ELENI P. (OCA) (FBI); MONACO, LISA (DO) (OGA)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (DO) (FBI); [redacted] (DO) (FBI)
Subject: RE: Judiciary testimony
Importance: High

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Duplicate email this file



Duplicate



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

From: CAPRONI, VALERIE E. (OGC) (FBI)

Sent: Thursday, March 15, 2007 8:37 AM

To: BEERS, ELIZABETH RAE (OCA) (FBI) [redacted] (OGC) (FBI) [redacted]
(OGC) (FBI); KALISCH, ELENI P. (OCA) (FBI); MONACO, LISA (DO) (OGA); [redacted]
[redacted] (OGC) (FBI)

Subject: Judiciary testimony

b6
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UNCLASSIFIED Duplicate email this file
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NSL VIO-29598

From: HQ_OFFICE_OF_PUBLIC_AFFAIRS
Sent: Friday, March 09, 2007 10:40 AM
To: FBI_HQ AND FO POCS
Subject: Inspector General Report on National Security Letters

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This message is being sent to: All employees at Headquarters, Field Offices, and Legats. Please check with the appropriate authority prior to dissemination of this message to all employees within your division to avoid duplication.

Today the DOJ Inspector General released a report on the FBI's use of National Security Letters. You may see a number of media stories regarding this report and the Director will be conducting a press availability at 11:30 AM EST today to further discuss the report and the FBI's response. So that you can be knowledgeable about the report and the FBI's response, we have collected resources for you on the FBI Intranet homepage and will be updating the story throughout the day.

FBI Responds to IG Report on NSLs

http: [REDACTED]
[Currently includes: FBI press release, FAQs, and IG Report]

b2

John J. Miller
Assistant Director
Office of Public Affairs

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NSL VIO-29599

From: [redacted] (OGC) (FBI)
Sent: Tuesday, April 18, 2006 8:55 AM
To: [redacted] (OGC) (FBI)
Subject: Thx! (IOB para for SSCI QFRs)

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~~SECRET
RECORD xxx~~

Sincere thanks, [redacted]

[redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Monday, April 17, 2006 5:29 PM
To: [redacted] (OGC) (FBI)
Subject: IOB para

DECLASSIFIED BY: 65179/DMH/KSR/RW
ON: 01-14-2008

~~SECRET
RECORD xxx~~

[redacted]
The following should be inserted [redacted]
[redacted]

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Additionally, the FBI routinely reports to the President's Intelligence Oversight Board (IOB) concerning intelligence activities that we have reason to believe may be unlawful or contrary to Executive order or Presidential directive, including any violations that arise from the FBI's use of its authority to issue NSLs pursuant to the USA PATRIOT ACT. The various Field Offices are required to report all potential violations are reported to the Office of General Counsel and the Inspection Division. These potential violations include a variety of incidents, including third party errors and FBI clerical errors that result in information being obtained that related to the wrong person. It should be noted that as soon as such errors are discovered, the information erroneously received is sealed and sequestered and the potential IOB violation is reported to OGC/Inspection. The Office of General Counsel is responsible for determining whether these potential errors must be reported to the IOB.

I'll be in [redacted] Tuesday-Thursday, but I'll be back on Friday if you have any questions.

Thanks,
[redacted]

~~DERIVED FROM: Multiple Sources~~

NSL VIO-29604

~~DECLASSIFICATION EXEMPTION 1
SECRET~~

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b7C

From: [redacted] (OGC) (FBI)
Sent: Thursday, November 09, 2006 8:56 AM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC)(OGA)
Subject: Memo to Julie fm NSL Working Group

~~SECRET~~
~~RECORD 315~~

[redacted] FYI.
[redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Thursday, November 09, 2006 8:52 AM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: NSL Issues

~~SECRET~~
~~RECORD 315~~

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Here is a copy of the memo to Julie as it presently exists. Let me know if you have any problems with this. [redacted] are you okay with our discussion of the [redacted] If [redacted] [redacted] If you disagree with my opinion from a prior email, please draft something [redacted]

[redacted]



nslissuesmemo.wpd
(39 KB)

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

DECLASSIFIED BY: 65179/DMH/KSR/RW
ON: 01-14-2008

NSL VIO-29606

From: [redacted] (OGC) (FBI)
Sent: Monday, March 06, 2006 5:54 PM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
Cc: THOMAS, JULIE E. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
Subject: NSLB Bfg Paper - NSL Litig Update (Dir's SJC Hrg)
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NON-RECORD

[redacted]

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Attached you'll find the requested Briefing Paper on the current NSL litigation. (If you have trouble opening it, I understand that it can be done by saving it in a folder and then right-clicking "OPEN.")

The paper was approved by NSLB's DGC Julie Thomas. The underlying information was provided by numerous sources. But, if you absolutely must list a specific NSLB POC, then I suppose you can use AGC [redacted] (much to my chagrin!).

[redacted]



Bfg paper (NSL Litig) (304 KB)...

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

From: [redacted] (OGC) (FBI)
Sent: Monday, March 06, 2006 12:28 PM
To: [redacted] (FBI)
Subject: Follow-up Re NSLB's SJC Hrg Papers (Litig Update Paper)

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UNCLASSIFIED
NON-RECORD

Hi, [redacted]

No problem. Thanks for checking.

We did indeed discuss the litigation paper, and I still owe you an update regarding it. It turned out to be a little more involved than initially anticipated. But, I'm working on it. I hope to get it to you ASAP.

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NSL VIO-29613

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

From: [redacted] (DO)(FBI)
Sent: Monday, March 06, 2006 10:33 AM
To: [redacted] (OGC) (FBI)
Subject: FW: NSLB's Status - Dir's SJC Hrg Papers

UNCLASSIFIED
NON-RECORD

[redacted]

I am reviewing all of the emails etc in re the briefing papers requested for the up-coming hearings. In that regard, the only paper that I don't seem to have received is the briefing paper requested by OCA which they title as "NSLB-Recent litigation."

I can't remember if we discussed this paper and if so, what the status was. In any event, I am again attaching the paper which was prepared by OGC on this subject for the last set of hearings.

Thank you.

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<< File: OGC-NSL Disclosure_inl draft 091205.doc >>

[redacted]
202-324-[redacted]

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

From: [redacted] (DO)(FBI)
Sent: Tuesday, February 28, 2006 2:55 PM
To: [redacted] (DO)(FBI); [redacted] (OGC) (FBI)
Subject: RE: NSLB's Status - Dir's SJC Hrg Papers

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UNCLASSIFIED
NON-RECORD

[redacted]

I have an answer to the "Washington Post Article" briefing paper. In the past, NSLs and Admin subpoenas were covered in the same briefing paper. As a result of an article in the Post, NSLs were broken out and that paper has already been updated (has all of the NSL numbers).

I down, I to go.

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b2

Thank you.

[redacted]
202-324-[redacted]

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

From: [redacted] (DO)(FBI)
Sent: Tuesday, February 28, 2006 1:12 PM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (DO)(FBI)
Subject: FW: NSLB's Status - Dir's SJC Hrg Papers

b6
b7C

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NON-RECORD

[redacted]

I am picking up the pieces after [redacted]. In that regard, I have been reviewing the briefing papers which you either supplied [redacted] or which you advised [redacted] were OK as previously written.

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When OCA first provided the DMS with the list of required briefing papers, it listed:

- National Security Letters
 - Recent Litigation
 - Response to Washington Post Article

Do you know, is the Washington Post article referenced in the "Intelligence Oversight Board" paper which you advised [redacted] was "good-to-go" the article to which OCA is referring as part of its NSL briefing papers request or has there been another article in the Post referring to the FBI's NSL practices?

Also, please see the briefing paper which I am now attaching which applies to a litigation involving the FBI's NSL practices. I am guessing that this might be the "recent litigation" to which OCA is referring. As a result, this paper also needs updating. I would appreciate it if you could forward it as required.

Thank you.

<< File: OGC-NSL Disclosure_fml_draft_091205.doc >>

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[redacted]
202-324-[redacted]

-----Original Message-----
From: [redacted] (FBI)
Sent: Wednesday, February 22, 2006 4:48 PM
To: [redacted] (FBI)
Subject: FW: NSLB's Status - Dir's SJC Hrg Papers

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NON-RECORD

[redacted] here is the first response from OGC, on the hearing papers.
 [redacted]

-----Original Message-----
From: [redacted] (OGC) (FBI)
Sent: Tuesday, February 21, 2006 11:14 AM

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To: [redacted] (FBI)
Subject: NSLB's Status - Dir's SJC Hrg Papers

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[redacted]

Here's an update, as of Tuesday at 1115, on the papers which NSLB owes you regarding the Director's 7 March SJC Hearings.

NSLB is responsible for providing updates, if necessary, regarding the following papers that you attached to your 15 February e-mail, below. In parentheses beside each, you'll find its status:

1. Intel Oversight Board (good to go "as is") Outside the Scope
2. [redacted] (good to go "as is")
3. AG Guidelines (good to go "as is")
4. NSL's (comments are good to go, but we're still checking the numbers)
5. [redacted] (good to go "as is")
6. [redacted] (not NSLB's; to be handled personally by GC Caproni)

You also provided a list of six topics for which you need new briefing papers. Of that list, NSLB is responsible only for the following three:

1. [redacted] (response drafted; expect DGC Thomas's approval this afternoon)
2. [redacted] (response drafted; expect DGC Thomas's approval)
3. USA PATRIOT Act Reauthorization (response being drafted; expect DGC Thomas's approval this afternoon)

FYI.

[redacted]

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-----Original Message-----
From: [redacted] (FBI)
Sent: Wednesday, February 15, 2006 5:13 PM
To: KELLEY, PATRICK W. (OGC) (FBI)
Subject: Senate Judiciary Committee Hearing Papers

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NON-RECORD

Pat, how are you doing? Long time no see. I am up here at HQ doing a 30 day TDY in the Director's Research Group and we were just told by OCA that the Seante Judiciary Committee Hearing is going to be March 7. A meeting was held with Elani at 4:30 today alerting us to the urgent time frame and we are trying to rapidly acquire briefing papers on a number of topics. The urgent deadline for this has been set at Tuesday 2/21 by noon. That is our deadline to OCA.

b2

Sorry for the short deadline. I look forward to seeing you before I have to return to [redacted] I am at Ext. [redacted]

The briefing papers we already have relating to OGC issues are attached, and only need to be updated.

<< File: OGC-Intelligence Oversight Board.doc >> << File: OGC-[redacted]
[redacted] << File: OGC-AG Guidelines_01122006.doc >> << File:
OGC.NSLs.doc >> << File: OGC-[redacted] >> << File: OGC-
[redacted]

Outside the Scope

Below are the issue areas where we do not have briefing papers:

[Large redacted box]

Thanks

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NSL VIO-29617

From: [redacted] (OGC) (FBI)
Sent: Friday, March 23, 2007 5:16 PM
To: [redacted] (DO) (FBI); [redacted] (OCA) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: NSLB Cmnts - DOJ Testimony (Wainstein) for HPSCI Hrg (28 Mar 07)

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Importance: High
UNCLASSIFIED
NON-RECORD

[redacted]

NSLB's comments are in the attached WORD document.

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NSLB Cmnts -
Wainstein HPSCI T..

[redacted]
OGC / NSLB / NSLPTU
(202) 324-[redacted]

b6
b7C

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

From: [redacted] (DO) (FBI)
Sent: Friday, March 23, 2007 3:37 PM
To: KALISCH, ELENI P. (OCA) (FBI); BEERS, ELIZABETH RAE (OCA) (FBI); [redacted] (D)

[redacted]

[redacted] (CTD) (FBI); HARRINGTON, T. J. (CTD) (FBI); HEIMBACH, MICHAEL J. (WF) (FBI); [redacted] (T.J.)

[redacted]

[redacted] (OGC)(FBI); CAPRONI, VALERIE E. (OGC) (FBI); [redacted]
E (OGC) (FBI); LAMMERT, ELAINE N. (OGC) (FBI); [redacted] (OGC) (FBI)

Cc: [redacted]

Subject: DOJ Testimony (Wainstein) for House Intelligence Committee (HPSCI) Hrg on March 28th; Deadline IMMEDIATE - TODAY, 3/23 5:30pm (FIRM) RFC
Importance: High

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DATE 01-08-2008 BY 651790/DMH/KSR/RW

NSL VIO-29620



070323 DOJ
Wainstein NatSecLtr.

The attached testimony is being provided for your review.

RE: Statement of Kenneth Wainstein, Assistant AG, National Security Division, Dept of Justice, on the FBI's use of NSLs and the IG's recent report; Hearing is before the House Permanent Select Committee on Intelligence (HPSCI) on March 28th

If you feel there is someone else who should see this and who has not been included, PLEASE forward it to them and then let me know that I should add them on to the lists for future distribution.

If you have comments, please provide them IN WORD FORMAT ONLY to [redacted] [redacted] in OCA with a cc to Theresa Spinola. Please attach your comments as a separate document to your reply.

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- Please indicate if your division is in favor or opposed to the testimony, as well as the reasons for your division's position.
- If your division opposes the testimony fully or in part, but believes that it can be remedied by changes in the verbiage, please describe in detail what should be added, deleted, or changed, including recommendations for substitute language sufficient to correct the objectionable section(s).
- If your division is not taking a position and has no comments, please send an E-mail stating such.

DEADLINE: IMMEDIATE - TODAY, FRIDAY MARCH 23rd - 5:30pm (FIRM)

As always, I appreciate your attention to this matter.

[redacted]

Acting Unit Chief, Legislative Affairs
FBI OCA
324 [redacted]

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NSL VIO-29621

NSLB Comments Re Wainstein HPSCI Testimony

1. Better

[Redacted]

2. For

[Redacted]

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3. Better

[Redacted]

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NSL VIO-29622

b6
b7C

From: [redacted] (OGC) (FBI)
Sent: Tuesday, March 07, 2006 4:05 PM
To: CAPRONI, VALERIE E. (OGC) (FBI)
Cc: THOMAS, JULIE F. (OGC) (FBI); [redacted] (DI) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: NSLB Response - Deliverables for GC Caproni (Prep for 8 March NSL Bfg at SSCI)
Importance: High
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NON-RECORD

Ms. Caproni --

Per the e-mail that I just recieved from you, requesting this info ASAP, here's what we have.

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[redacted]

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HEREIN IS UNCLASSIFIED
DATE 01-08-2008 BY 65179/DMH/KSR/RW

NSLB DELIVERABLES TO GC CAPRONI AS OF 1:50 PM ON TUESDAY

As a result of this morning's meeting with [redacted] and as a result of GC Caproni's continuing preparations for tomorrow's NSL Briefing to SSCI Members, NSLB owes her the following:

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1. [redacted]
[redacted] Would be useful to see before I go talk to SSCI re NSLs. [redacted]
[redacted] are working on revisions [redacted] hoping to have a good DRAFT by mid-morning on Wednesday.

2. "Can you also give me bullet points [redacted]
[redacted]
[redacted] provided to [redacted] the highlighted excerpts from the EC which

he's preparing on the new PATRIOT Act provisions. Here are [redacted] bullets:



Talking
oints(NSLs.Libraries)

3. Re NSLs for credit reports, contrasting counterterrorism vs, counterintelligence investigations: When can a NSL be used? When is a Court Order required? When did the change occur regarding full credit reports regarding CT cases?



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4. Re NSLs for telephone apps: Double-check the availability, or lack thereof, of NSLs for criminal investigations. [Check with [redacted]]

According to [redacted] (CTD's Communications Exploitation Section), information derived from a NSL for CT purposes can be subsequently used in a criminal investigation. In other words [redacted] knows of no such prohibition. The key is that the underlying NSL was for CT purposes.

5. Provide info re the new NSL reporting requirements under the new PATRIOT Act provisions.

[redacted] is working on this.

6. Provide a "Cheat Sheet" re the following aspects of NSLs under the new PATRIOT Act provisions: (a) moves to challenge, (b) moves to enforce, and (c) gag orders.

According to [redacted] the answer is simple. Challenges are via a motion filed in District Court under seal. Motions to enforce are also in District Court, as are gag orders.

7. Re the two NSL Charts (statistics) that we provided in conjunction with the answers to Sen. Rockefeller's "17 Questions":

A. Consolidate the information onto one chart by deleting the info on the year 2000 and then moving 2005's info the that chart as the new right-hand column.

has revised the chart accordingly, and we're double-checking the numbers.

B. When we use the term "Consumer identifying information," does that refer to a full credit report?

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C. When we use the term "Financial institutions," does it refer only to those financial institutions with whom the person has a relationship?

D. "Critical data is missing from the 2005 NSL spreadsheet. I need the different USP and different nonUSP numbers added--i.e., the same data that appears in the 2000-2004 spreadsheet."

This one has been OBE. Ms. Caproni subsequently located the requested information in the materials we previously provided.

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From: [redacted] OGC (FBI)
Sent: Friday, December 29, 2006 11:23 AM
To: [redacted] OGC (FBI)
Subject: NSLB's Legislative Wish List (2 NSL Proposals)
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[Re Proposal No. 2, below, it should refer to the **Fair Credit Reporting Act (FCRA)**--vice the RFPA.]

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

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From: [redacted] OGC (FBI)
Sent: Friday, December 29, 2006 9:56 AM
To: [redacted] OGC (FBI)
Subject: Follow-up Re NSLB's Legislative Wish List

UNCLASSIFIED
NON-RECORD

[redacted]

In my e-mails to you earlier this week, I neglected to include the **two additional NSL-related legislative proposals** set forth below. Following GC Caproni's approval, we submitted them to OCA on 8 December.

FYI.

[redacted]

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DATE 01-08-2008 BY 65179/DMH/KSR/RW

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

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From: [redacted] (DO) (FBI)
Sent: Friday, December 08, 2006 9:23 AM
To: [redacted] OGC (FBI)
Subject: RE: OGC's 2 LEGISLATIVE PROPOSALS Re NSLs

UNCLASSIFIED
NON-RECORD

Excellent - thank you [redacted]

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

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From: [redacted] OGC (FBI)
Sent: Friday, December 08, 2006 9:18 AM
To: [redacted] (DO) (FBI); [redacted] (OCA) (FBI)
Cc: BEERS, ELIZABETH RAE (OCA) (FBI)
Subject: OGC's 2 LEGISLATIVE PROPOSALS Re NSLs
Importance: High

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NON-RECORD

[Redacted]

This morning, **GC Caproni approved the two legislative proposals (below)** for submission to OCA and then DOJ. (As you may recall, we hope to submit another proposal on an unrelated topic later this morning.)

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Sincere thanks for all your help.

[Redacted]

OGC / NSLB / NSLPTU
(202) 324-[Redacted]

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

From: [Redacted] (OGC) (FBI)
Sent: Friday, December 08, 2006 8:47 AM
To: CAPRONI, VALERIE E. (OGC) (FBI)
Cc: [Redacted] (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI); [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI)
Subject: FW: LEGISLATIVE PROPOSALS Re NSLs [OCA's Deadline: Today at 1:00]
Importance: High

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Valerie,

Below are two NSL-related legislative proposals that came from the NSL working group. We request that you approve these proposals and submit them to [Redacted] and [Redacted] in OCA. OCA deadline for proposals is 1:00 p.m. today.

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The two legislative proposals are as follows:

1. **Electronic Communications Privacy Act, 18 U.S.C. 2709, "Counterintelligence access to telephone toll and transactional records."** This statute is silent on the issue of payment--i.e., whether companies which respond to a NSL under Sec. 2709 are entitled to payment. [Redacted]

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[Redacted]

[Redacted] PROPOSAL: [Redacted]

[Redacted]

[Redacted]

2. **Right to Financial Privacy Act, 15 U.S.C. 1681u(a) and (b).**
NSLs under these two provisions enable the FBI to obtain credit bureau information--i.e., the identity of financial institutions where a consumer maintains or maintained an account, and consumer-identifying information (including names associated with the person, current and former addresses and places of employment). In contrast, Sec. 1681v (which the USA PATRIOT Act added to the FCRA) authorizes NSLs to obtain a full "consumer report of a consumer and all other information in a consumer's file"--but only in international terrorism cases. Full consumer reports in counterintelligence cases, on the other hand, require court orders.

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PROPOSAL: [Redacted]

Thank you.

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

From: [Redacted] (DO) (FBI)
Sent: Wednesday, November 29, 2006 11:22 AM
To: [Redacted] (OPA) (FBI); [Redacted] (DO) (FBI)

HARRINGTON, T. J. (CTD) (FBI); HEIMBACH, MICHAEL J. (CTD) (FBI);

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[Redacted]

Cc: [Redacted] (CJIS) (FBI); [Redacted] (DO) (FBI); [Redacted] (OCA) (FBI)
Subject: DOJ Request for Legislative Proposals for the 110th Congress
Importance: High

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All:

The FBI has been requested to prepare and present a list of

legislative proposals for potential inclusion in DOJ's Legislative Agenda List for the 110th Congress.

Unfortunately, in their memo dated yesterday, 11/28/06, DOJ has determined a firm deadline of next Friday, December 8th. At that time, I must turn in a completed document, outlining any and all proposals. Therefore, I apologize in advance that we have so little time, but I would still like to request your help.

Those of you on this list are my steady contacts for Counter Intelligence, Counter Terrorism, Criminal, Cyber, CJIS, WMD, the Laboratory, and OTD. [REDACTED] Beth Beers recommended you as a contact for us for the Laboratory). I am hopeful that in your positions, you will either be able to help me directly or, if you are not the proper people I need to work with, you will at least be able to FORWARD this Email to the appropriate folks. If you could, PLEASE cc me on that missive - so that I will know who to try and contact with any further questions.

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We are looking for ideas that you would like to see the Department of Justice work, on behalf of the FBI, before Members of Congress during the 110th Session. I am attaching an example of a proposal idea with this message, and ask that to the best of your ability, you tailor any suggestions you have to fit into this format and include as much of the requested information as you can.

I'd be more than happy to talk to you all if you have questions. Please know that LAU intends to follow through with our original plan of arranging meetings with each Division individually, come January, and working on further proposals. However, if we could get from you what you might have right now - whether you've submitted them in the past before or not - we'll meet DOJ's deadline, and then in January, continue to expand upon it.

Thank you again for your attention to this today....

<< File: FY 08 DOJ Legislative Call Master.wpd >>

Sincerely,

[REDACTED]
AUC, Legislative Affairs Unit
Office of Congressional Affairs

NSL VIO-29631



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