

## **EXHIBIT A**

Plaintiff's Partial Opposition to Defendant's Motion for Summary Judgment and  
Plaintiff's Cross-Motion for Partial Summary Judgment

*Electronic Frontier Foundation v. Dep't of Justice*, C.A. No. 07-0656 (JDB)

(Rev. 08-28-2000)

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 05/28/2003

To: Director's Office  
General Counsel

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

From: Inspection  
Inspection Management Unit/Room 7837

Contact: [Redacted]

Approved By: [Redacted]

Drafted By: [Redacted]

DATE: 05-25-2007 b2  
CLASSIFIED BY 65179dmh/ksr/p b6  
REASON: 1.4 (c,d) b7C  
DECLASSIFY ON: 05-25-2032

(U) Case ID #: ~~(S)~~ 278-HQ-1425173-2 (Pending)

(U) Title: ~~(S)~~ SSA [Redacted] b2  
[Redacted] DIVISION b6  
IOB MATTER b7C  
2003 [Redacted] b7E

*Matters*  
ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

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

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

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

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

*263-HQ-0-u-1777*

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

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

Title: [Redacted]

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

b1

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JUN 2003  
OPR/ADMIN UNIT

NSL VIO-1

REC'D  
6/18/03

*263-HQ-0-CIR(1)*

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

Precedence: ROUTINE

Date: 02/20/2004

To: [Redacted] b2  
b7E

Attn: ASAC FCI/Administrative  
CDC

Counterintelligence

Attn: CD-3A

Director's Office

Attn: Office of Professional  
Responsibility

From: General Counsel

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

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b7C  
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National Security Law Branch/  
Contact: [Redacted]

Approved By: Curran John F

[Redacted]

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

Drafted By:

(U)

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

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

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

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

DATE: 7/13/05  
DOJ INVEST: [Redacted]

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b7C

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

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

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

[Large Redacted Block]

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

Serial : 379  
18

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~~SECRET~~ NSL VIO-15

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

[redacted] DIVISION b2  
IOB MATTER 2004 [redacted] U) ← b7E

(U) ~~(S)~~

(S)

(S)

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

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

(U) ~~(S)~~

[Large redacted block]

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

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

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

*JFC 2/25/04*

*JMMS  
2/17/04*

<b>SE APPROVED:</b>	Crim. Inv. _____	Inspection _____	Training _____
	CJIS _____	Laboratory _____	Off. of EEO _____
	Finance _____	National Sec. _____	Affairs _____
	Director _____	Gen. Counsel _____	OPR _____
Deputy Director _____	Info. Res. _____	Personnel _____	Off. of Public Affs. _____
			Cong. Affs. _____

ALL INFORMATION CONTAINED  
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WHERE SHOWN OTHERWISE

DATE: 05-30-2007  
CLASSIFIED BY 65179/dmh/ksr/cak  
REASON: 1.4 (c)  
DECLASSIFY ON: 05-30-2032

(Rev. 01-31-2003)

~~SECRET~~

# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 05/22/2006

**To:** [Redacted]

**Attn:** SSA [Redacted]  
SA [Redacted]

Counterintelligence

**Attn:** CD-2C, SSA [Redacted]

Inspection

**Attn:** IIS, CRS [Redacted]

**From:** Office of the General Counsel  
NSLB/CILU/Room 7947

**Contact:** AGC [Redacted]

**Approved By:** Thomas Julie F

**Drafted By:** [Redacted]

**Case ID #:** ~~(S)~~ 278-HQ-C1229736-VIO - 1382 (Pending)

**Title:** ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD  
MATTER 2006- [Redacted]

**Synopsis:** ~~(S)~~ It is the opinion of the Office of the General Counsel (OGC) that this matter need not be reported to the Intelligence Oversight Board (IOB). Rather, it should be maintained in the control file for periodic review by Counsel to the IOB. Our analysis follows.

**Administrative:** ~~(S)~~ This electronic communication (EC) contains information from the following documents: (1) a copy of the National Security Letter (NSL) dated 12/07/2005; (2) a copy of the EC dated 12/07/2005 forwarding the NSL to [Redacted] Field Division to be served on the carrier; (3) a copy of the EC dated 12/21/2005 delivering the results of the NSL to [Redacted] Field Office [Redacted] and (4) a copy of the EC dated 02/10/2006 from [Redacted] to OGC reporting a potential IOB matter.

**Reference:** (S) [Redacted]

(U) ~~Derived From:~~ G-3  
~~Declassify On:~~ 25X1

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~~SECRET~~

~~OIG/DOJ REVIEW:  
FBI INVESTIGATION  
OIG/DOJ INVESTIGATION:  
NSL VIO-708~~

~~DATE:~~ [Redacted]

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 05-30-2007 BY 65179/dmh/ksr/cak

(Rev. 01-31-2003)

# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 07/24/2006

**To:** General Counsel

**Attn:** NSLB

**From:** Inspection

Internal Investigations Section, IPI Room 3041

**Contact:** CRS [Redacted]

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b2

**Approved By:** Miller David Ian [Redacted]

**Drafted By:** [Redacted]

**Case ID #:** (U) 278-HQ-C1229736-VIO (Pending)

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 2030  
OGC/IOB# 2006 [Redacted] ← b2

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

**Reference:** (U) 278-HQ-C1229736-VIO Serial 1261  
278-HQ-C1229736-VIO Serial 1382

**Details:** (U) The Internal Investigations Section (IIS) received an EC from [Redacted] Division dated 02/10/2006, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the incident described therein is indicative of a performance issue. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

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ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

DATE: 05-30-2007  
CLASSIFIED BY 65179/dmh/kar/cak  
REASON: 1.4 (c)  
DECLASSIFY ON: 05-30-2032

(Rev. 01-31-2003)

~~SECRET/ORCON/NOFORN~~

# FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 06/29/2006

To: Counterterrorism

Attn: ITOS I/CONIS II

UC

SSA

IA

Attn: CDC

Attn: ISS

[Redacted]

Inspection

[Redacted]

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From: Office of General Counsel  
OGC/NSLB/CTLU I/3S-100  
Contact: UC [Redacted]

Approved By: Thomas Julie *RJW*

[Redacted]

Drafted By:

(U)

Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO-1475 (Pending)

(U)

Title: ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD  
IOB MATTER 2006 [Redacted]

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(U)

Synopsis: ~~(S)~~ It is the opinion of the Office of the General Counsel that the above referenced matter must be reported to the Intelligence Oversight Board (IOB). Our analysis follows.

(U)

~~(S/NF)~~

Derived From : G-1  
Declassify On: 06/29/2031

(U)

Reference: ~~(S)~~ 278-HQ-C1229736-VIO Serial 1283

(U)

Details: ~~(S)~~ By electronic communication (EC) dated April 3, 2006, the [Redacted] Field Office [Redacted], reported to the Inspection Division and the Office of General Counsel (OGC) this potential IOB matter.

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(S//NF)

[Redacted]

~~SECRET/ORCON/NOFORN~~

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b7C

OIG/DOJ REVIEW  
FBI INVESTIGATION  
OIG/DOJ INVESTIGATION:

[Redacted]

DATE: 7/6/06

NSL VIO-723