

~~SECRET~~

[Redacted] (OTD) (CON)

From: [Redacted] (OGC) (FBI)
Sent: Thursday, September 06, 2007 4:17 PM
To: [Redacted] (OTD) (CON)
Subject: FW: IPAV

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[Redacted]
Acting Unit Chief
Science and Technology Law Unit
Office of the General Counsel
Federal Bureau of Investigation
Ph [Redacted]
Cell [Redacted]
Ph (Secure) [Redacted]
Fax [Redacted]

[Large redacted block]

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

From: [Redacted] (OGC) (FBI)
Sent: Thursday, May 11, 2006 3:44 PM
To: [Redacted] (OGC) (FBI)
Cc: [Redacted] (OGC) (FBI)
Subject: RE: IPAV

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

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[Redacted]

As I learn more about this case [Redacted] It is so unusual for him to not keep me in the loop that I and his successor SSA and Acting CEAU UC [Redacted] are at a loss) I think that you most likely were told that a simple IPAV would be used initially, in which case I would agree with your initial analysis. [Redacted] (S)

[Redacted] his clearly requires a search and therefore a warrant and/or consent. [Redacted] will discuss this with OIPR but thinks the FISA order (once all of this is explained to the FISC) may be sufficient, maybe. If not, then it is a case agent call as to whether this should be an EA or an Expedite or simply another FISA order. (S)

Thanks for your views and your very prompt assistance.

[Redacted]

[Redacted]
Assistant General Counsel
Science and Technology Law Unit
Office of the General Counsel
Federal Bureau of Investigation
Ph [Redacted]
Ph (Secure) [Redacted]
Fax [Redacted]

DATE: 02-27-2009
CLASSIFIED BY 60322UC/LP/STP/gjg
REASON: 1.4 (C)
DECLASSIFY ON: 02-27-2034

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

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

From: [redacted] (OGC) (FBI)
Sent: Thursday, May 11, 2006 2:41 PM
To: [redacted]
Cc: [redacted]
Subject: RE:

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted]

Yes I was (unfortunately) originally commenting on--or believed that what was being considered was--the simple version of the IPAV--my error

[redacted]

(S) (S)

After seeing your emails and talking this over with [redacted] let me try to clarify what I think is a defensible position:

[redacted]

[redacted]

(S)

As you point out, it appears that the IPAV being considered in this case would accomplish the objective NOT by

[redacted]

(S)

(S)

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[redacted]

[redacted]

(S)

Please call if you want to discuss,
Thanks,



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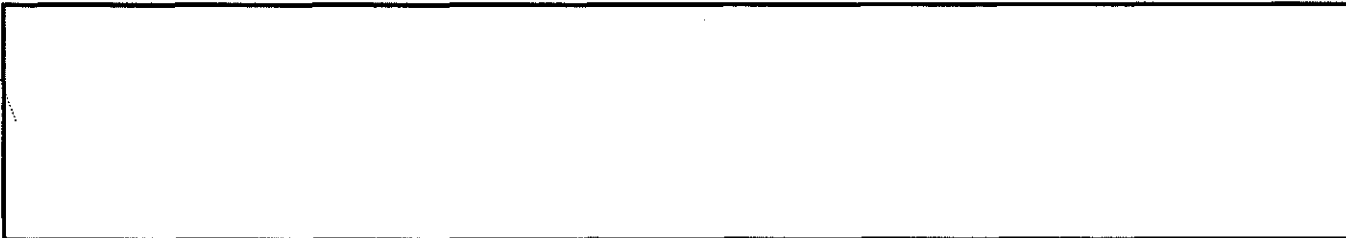
-----Original Message-----

From: [redacted] (OGC) (FBI)
Sent: Thursday, May 11, 2006 2:01 PM
To: [redacted] (OGC) (FBI)
Subject:

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Sorry, I was in another email. I should include the language that is un-attributed to you....

(S)



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[redacted]
Assistant General Counsel
Science and Technology Law Unit
Office of the General Counsel
Federal Bureau of Investigation
Ph [redacted]
Ph (Secure) [redacted]
Fax [redacted]

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SENSITIVE BUT UNCLASSIFIED

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SENSITIVE BUT UNCLASSIFIED

~~SECRET~~

[Redacted] (OTD) (CON)

From: [Redacted] (OGC) (FBI)
Sent: Thursday, September 06, 2007 4:17 PM
To: [Redacted] (OTD) (CON)
Subject: FW: FBI Philadelphia request for CIPAV

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Importance: High

SECRET//ORCON,NOFORN
RECORD [Redacted]

[Redacted]
Acting Unit Chief
Science and Technology Law Unit
Office of the General Counsel
Federal Bureau of Investigation
Ph [Redacted]
Cell [Redacted]
Ph (Secure) [Redacted]
Fax [Redacted]

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

From: [Redacted] (OTD) (FBI)
Sent: Thursday, May 11, 2006 7:11 PM
To: [Redacted]
Cc: [Redacted]
Subject: FBI Philadelphia request for CIPAV
Importance: High

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SECRET//ORCON,NOFORN
RECORD [Redacted]

(U) Gentlemen, I'm sorry it took me a few days to get spun up on all this, but I have a sufficient grasp now to lay out what OTD can do in the subject matter. Of course, we want to support this effort any way we can within lawful parameters. At the risk of regurgitating that which is already known, let me lay it out from the basics (and please correct me where I stray):

[Large Redacted Area]

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DATE: 02-27-2009
CLASSIFIED BY 60322UC/LP/STP/gjg
REASON: 1.4 (C)
DECLASSIFY ON: 02-27-2034

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WHERE SHOWN OTHERWISE

[Redacted]

[Large Redacted Area]

(S)

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(U/LES) These are my thoughts on how we can get this job done. I'm sure I didn't get every detail right, so please don't hesitate to challenge something I've said here. For CEAU's part, we need only [Redacted] to prepare deployment. Also, I'll be out of the office next week. Please contact [Redacted] in my absence.

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Regards,

[Redacted]

SSA [Redacted]
Cryptologic and Electronic Analysis Unit (CEAU),
Digital Evidence Section, Operational Technology Division
ERF Extension
Quantico, VA
tel: [Redacted] (unsecure)

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20160511
SECRET//ORCON,NOFORN~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20160511
SECRET//ORCON,NOFORN~~

~~SECRET~~

[redacted] OTD) (CON)

From: [redacted] (OGC) (FBI)
Sent: Thursday, September 06, 2007 4:17 PM
To: [redacted] OTD) (CON)
Subject: FW: FBI Philadelphia request for CIPAV

SECRET//ORCON,NOFORN
RECORD [redacted]

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[redacted]
Acting Unit Chief
Science and Technology Law Unit
Office of the General Counsel
Federal Bureau of Investigation
Ph [redacted]
Cell [redacted]
Ph (Secure) [redacted]
Fax [redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Friday, May 12, 2006 8:26 AM
To: [redacted] (OTD) (FBI)
Cc: [redacted] (OTD) (FBI)
Subject: RE: FBI Philadelphia request for CIPAV

SECRET//ORCON,NOFORN
RECORD [redacted]

Nice run down [redacted] Thanks. I'm going to share this with NSLB to help move this forward.

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[redacted]
Assistant General Counsel
Science and Technology Law Unit
Office of the General Counsel
Federal Bureau of Investigation
Ph [redacted]
Ph (Secure) [redacted]
Fax [redacted]

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

From: [redacted] (OTD) (FBI)
Sent: Thursday, May 11, 2006 7:11 PM
To: [redacted]
Cc: [redacted]
Subject: FBI Philadelphia request for CIPAV
Importance: High

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SECRET//ORCON,NOFORN
RECORD [redacted]

DATE: 02-27-2009
CLASSIFIED BY 60322UC/LP/STP/gjg
REASON: 1.4 (C)
DECLASSIFY ON: 02-27-2034

(U) Gentlemen, I'm sorry it took me a few days to get spun up on all this, but I have a sufficient grasp now to lay out what OTD can do in the subject matter. Of course, we want to support this effort any way we can within lawful

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[redacted] (OTD) (CON)

From: [redacted] (OGC) (FBI)
Sent: Thursday, September 06, 2007 4:17 PM
To: [redacted] (OTD), (CON)
Subject: FW: FBI Philadelphia request for CIPAV

Importance: High

SECRET//ORCON.NOFORN
RECORD [redacted]

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[redacted]
Acting Unit Chief
Science and Technology Law Unit
Office of the General Counsel
Federal Bureau of Investigation
Ph [redacted]
Cel [redacted]
Ph (Secure) [redacted]
Fax [redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Friday, May 12, 2006 8:27 AM
To: [redacted] (OGC)(FBI)
Subject: FW: FBI Philadelphia request for CIPAV
Importance: High

SECRET//ORCON.NOFORN
RECORD [redacted]

[redacted]

CEAU's run down on what it can do to support PH. It will help you in discussions with OIPR.

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[redacted]
Assistant General Counsel
Science and Technology Law Unit
Office of the General Counsel
Federal Bureau of Investigation
Ph [redacted]
Ph (Secure) [redacted]
Fax [redacted]

DATE: 02-27-2009
CLASSIFIED BY 60322UC/LP/STP/gjg
REASON: 1.4 (C)
DECLASSIFY ON: 02-27-2034

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

From: [redacted] (OTD) (FBI)
Sent: Thursday, May 11, 2006 7:11 PM
To: [redacted]
Cc: [redacted]
Subject: FBI Philadelphia request for CIPAV
Importance: High

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SECRET//ORCON.NOFORN
RECORD [redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
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[Redacted] (OTD) (CON)

From: [Redacted] (OGC) (FBI)
Sent: Thursday, September 06, 2007 4:17 PM
To: [Redacted] (OTD) (CON)
Subject: FW: PH matter [Redacted]

SECRET//NOFORN
RECORD 315

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[Redacted]
Acting Unit Chief
Science and Technology Law Unit
Office of the General Counsel
Federal Bureau of Investigation
Ph [Redacted]
Ce [Redacted]
Ph (Secure) [Redacted]
Fax [Redacted]

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

From: [Redacted] OGC(FBI)
Sent: Friday, May 12, 2006 1:52 PM
To: [Redacted]
Subject: PH matter [Redacted]

SECRET//NOFORN
RECORD 315

After our discussion yesterday I reviewed the order [Redacted] sent me which is superceded by the more updated orders [Redacted] sent me yesterday. I also spoke with [Redacted] this morning.

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[Large Redacted Area]

[Redacted]
Assistant General Counsel
National Security Law Branch
Office of General Counsel

~~SECRET~~

DATE: 02-27-2009
CLASSIFIED BY 60322UC/LP/STP/gjg
REASON: 1.4 (C)
DECLASSIFY ON: 02-27-2034

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Voice
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Secure Fax
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~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20310512
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~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20310512
SECRET//NOFORN~~

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~~SECRET~~

[Redacted] (OTD) (CON)

From: [Redacted] (OGC) (FBI)
Sent: Thursday, September 06, 2007 4:16 PM
To: [Redacted] (OTD) (CON)
Subject: FW: FBI Philadelphia request for CIPAV

SECRET//ORCON.NOFORN
RECORD [Redacted]

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[Redacted]
Acting Unit Chief
Science and Technology Law Unit
Office of the General Counsel
Federal Bureau of Investigation
Ph [Redacted]
Cell [Redacted]
Ph (Secure) [Redacted]
Fax [Redacted]

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

From: [Redacted] (OTD) (FBI)
Sent: Friday, May 12, 2006 2:55 PM
To: [Redacted]
Cc: [Redacted]
Subject: RE: FBI Philadelphia request for CIPAV

SECRET//ORCON.NOFORN
RECORD [Redacted]

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Short answer, no. [Redacted] I hesitated to mention it because it is such a low probability matter. In fact, I was merely mentioning it as an explanation for why we are not worried about someone

[Redacted]

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

From: [Redacted] (CTD) (FBI)
Sent: Friday, May 12, 2006 2:22 PM
To: [Redacted]
Cc: [Redacted]
Subject: RE: FBI Philadelphia request for CIPAV

SECRET//ORCON.NOFORN
RECORD [Redacted]

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[Redacted] & [Redacted]
Would we know their capabilities [Redacted]
[Redacted] had been approved and currently up.

Thanks
[Redacted] DATE: 02-27-2009
CLASSIFIED BY 60322UC/LP/STP/gjg
REASON: 1.4 (C)

SSA [Redacted] CLASSIFY ON: 02-27-2034
FBIHQ/CTD/LX1 ~~SECRET~~

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ITOS 1/CONUS 1
Rm 4W158
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-----Original Message-----

From: [Redacted]
Sent: Friday, May 12, 2006 1:54 PM
To: [Redacted]
Cc: [Redacted]
Subject: RE: FBI Philadelphia request for CIPAV

SECRET//ORCON,NOFORN
RECORD [Redacted]

To all concerned,

First and foremost, I understand that the decision to proceed and this matter and the methodology used will be left up to the field. However, I want to ensure that the decisions are made based upon good, solid technically accurate information, rather than assumptions and innuendo. I just spoke with [Redacted] of CTD regarding this matter and wanted to correct something that I know to be incorrect. [Redacted]



(S)
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SSA [Redacted]
Assistant Section Chief
Digital Evidence Section, Operational Technology Division

[Redacted] Voice
[Redacted] Fax
[Redacted] Cell

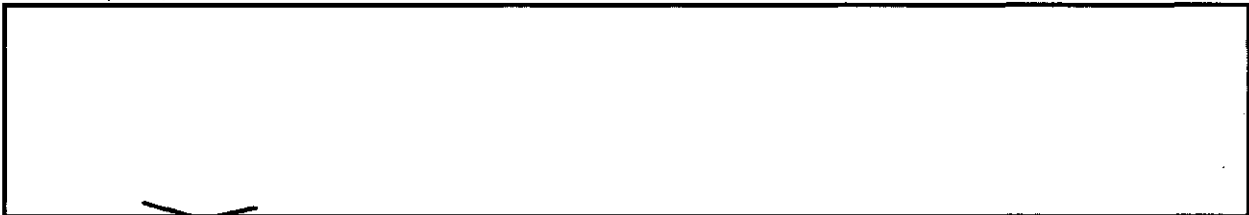
-----Original Message-----

From: [Redacted] (OTD) (FBI)
Sent: Thursday, May 11, 2006 7:11 PM
To: [Redacted]
Cc: [Redacted]
Subject: FBI Philadelphia request for CIPAV
Importance: High

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SECRET//ORCON,NOFORN
RECORD [Redacted]

(U) Gentlemen, I'm sorry it took me a few days to get spun up on all this, but I have a sufficient grasp now to lay out what OTD can do in the subject matter. Of course, we want to support this effort any way we can within lawful parameters. At the risk of regurgitating that which is already known, let me lay it out from the basics (and please correct me where I stray):



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[Redacted] (OTD) (CON)

From: [Redacted] (OGC) (FBI)
Sent: @Thursday, September 06, 2007 3:43 PM
To: [Redacted] (OTD) (CON)
Subject: FV [Redacted] AFFIANT [Redacted] CASE AGENT [Redacted]
[Redacted] (S)

~~SECRET~~
~~RECORD~~ [Redacted]

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[Redacted]
Acting Unit Chief
Science and Technology Law Unit
Office of the General Counsel
Federal Bureau of Investigation
Ph [Redacted]
Cell [Redacted]
Ph (Secure) [Redacted]
Fax [Redacted]

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

From: [Redacted] (OTD) (FBI)
Sent: Monday, November 20, 2006 11:06 AM
To: [Redacted]
Cc: [Redacted]
Subject: FV [Redacted] AFFIANT [Redacted] CASE AGENT [Redacted]
[Redacted] (S)

~~SECRET~~
~~RECORD~~ [Redacted]

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[Redacted]

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

From: [Redacted] (HO) (OGA)
Sent: Monday, November 20, 2006 10:21 AM
To: [Redacted]
Cc: [Redacted]
Subject: FV [Redacted] AFFIANT [Redacted] CASE AGENT [Redacted]
[Redacted] (S)

~~SECRET~~
~~RECORD~~ [Redacted]

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Here are the orders [Redacted] (S)

[Redacted]

Sincerely,
[Redacted]

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~~SECRET~~

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

From: [redacted] OGC(FBI)
Sent: Friday, November 17, 2006 5:13 PM
To: [redacted]

Cc: ER_DITL_FISA; ER_FISA; Dron; HQ_DIV09_FISA_UNIT_OGC
Subject: DK [redacted] AFFIANT [redacted] CASE AGENT [redacted]

SECRET
RECORD [redacted]

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[redacted]

(S)

[redacted]

[redacted]
management and Program Analyst
OGC/NSLB/FISA Unit

[redacted]

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

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~~SECRET~~

[Redacted] (OTD) (CON)

From: [Redacted] (OGC) (FBI)
Sent: Thursday, September 06, 2007 4:17 PM
To: [Redacted] (OTD)(CON)
Subject: FW: technique language

Importance: High

SECRET
RECORD 315

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[Redacted]
Acting Unit Chief
Science and Technology Law Unit
Office of the General Counsel
Federal Bureau of Investigation
Ph - [Redacted]
Cell [Redacted]
Ph (Secure) [Redacted]
Fax [Redacted]

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

From: [Redacted] (OGC) (FBI)
Sent: Thursday, May 11, 2006 1:58 PM
To: [Redacted] (OGC) (FBI)
Subject: FW: technique language
Importance: High

SECRET
RECORD 315

[Redacted]

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[Redacted]
Assistant General Counsel
Science and Technology Law Unit
Office of the General Counsel
Federal Bureau of Investigation
Ph [Redacted]
Ph (Secure) [Redacted]
Fax [Redacted]

(S)

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

From: [Redacted] (CTD) (FBI)
Sent: Thursday, May 11, 2006 10:57 AM
To: [Redacted]
Cc: [Redacted]
Subject: FW: technique language
Importance: High

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RECORD 315

[redacted]
As per telcal with [redacted] please see the thread below

[redacted]

[redacted] PH needs to move forward with this coverage. (S)

Thanks

[redacted]

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SSA [redacted]
FBIHQ/CTD/LX1
ITOS 1/CONUS 1
Rm [redacted]
Desk [redacted]
Pgr [redacted]
Internal Secure [redacted]

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

From: [redacted] (CTD) (FBI)
Sent: Thursday, May 11, 2006 9:17 AM
To: [redacted]
Cc: [redacted]

Subject: RE: technique language
Importance: High

SECRET
RECORD 315

[redacted] (S)

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(S)

Based on the argument above [redacted]
Your thoughts are more than welcome.

Thanks

[redacted]

SSA [redacted]
FBIHQ/CTD/LX1
ITOS 1/CONUS 1
Rm [redacted]
Desk [redacted]
Pgr [redacted]
Internal Secure [redacted]

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

From: [redacted] (OTD)
Sent: Thursday, May 11, 2006 8:51 AM
To: [redacted]
Cc: [redacted]

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Subject: RE: technique language

SECRET
RECORD 315

This is certainly an alternative

SSA [redacted]
Acting Chief, Cryptologic & Electronic Analysis Unit
Digital Evidence Section, Operational Technology Division
Quantico, VA

[redacted] o
[redacted] p
f - unsecure
f - secure

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

From: [redacted] (CTD) (FBI)
Sent: Wednesday, May 10, 2006 10:58 AM
To: [redacted]
Cc: [redacted]

Subject: RE: technique language
Importance: High

SECRET
RECORD 315

[redacted]

(S)

Just a suggestion, that on face value can be executed almost immediately, or atleast in the immediate future, with the existing FISC authority.
If not, CTD is scheduled to meet with OTD [redacted] today at noon to explore alternatives.
The criminal language has been forwarded to the Assistant General Counsel, Science & Technology Law Unit, among others for further advisement.

Thanks

[redacted]

SSA [redacted]
FBIHQ/CTD/LX1
ITOS 1/CONUS 1
Rm 4W158
Desk
Pgr
Internal Secure

[redacted]

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

From: [redacted] PH) (FBI)
Sent: Tuesday, May 09, 2006 4:18 PM
To: [redacted] CTD) (FBI)

~~SECRET~~

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Cc:

[Redacted]

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Subject: RE: technique language

SECRET
RECORD 315

[Redacted]

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(S)
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-----Original Message-----

From: [Redacted] (CTD) (FBI)
Sent: Tuesday, May 09, 2006 11:53 AM
To: [Redacted]
Cc: [Redacted]

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Subject: RE: technique language

SECRET
RECORD 315

All,
OTD, located in ERF, advised the following:

[Redacted]

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Presently, the priority is the supplemental declaration due in court tomorrow. Upon review, PH please provide the Woods as soon as possible. Two special signings by the Director for this investigation is probably more than we could hope for! Subsequently [Redacted] has assured CTD that he will discuss the issue again with the OIPR Deputy.

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Thanks
[Redacted]

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SSA [redacted]
FBIHQ/CTD/LX1
ITOS 1/CONUS 1
Rm 4W158
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Internal Secure



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

From: [redacted] (PH) (FBI)
Sent: Tuesday, May 09, 2006 10:24 AM
To: [redacted]
Cc: [redacted]
Subject: RE: technique language

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RECORD 315

[redacted] I have very little experience dealing with the FISC. The vast majority of my experiences have been with the US District Courts. Unfortunately, we have a situation that may not yield the months needed to work through the FISC's bureaucratic system. Then again it may. I am not personally comfortable waiting to go through that long approval process. We are currently operating in an environment that is faced with several different threat streams. Maybe it is coincidence, I don't know. Is there any way this process can be expedited? Can we have ERF provide you with a draft? I know you have been in lock step with us. This needs to happen now -

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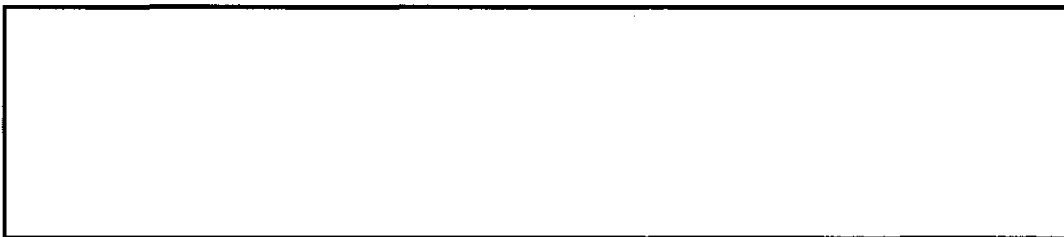
[redacted] Maybe nothing of significance - again, I don't know. We need to get to the bottom of this issue in order to move forward. Thanks for your continued help. Feel free to call me [redacted]. If there is anything else we can provide to speed the process just let me know.
Thanks [redacted]

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

From: [redacted] (OGC) (OGA)
Sent: Tuesday, May 09, 2006 8:57 AM
To: [redacted]
Cc: [redacted]
Subject: RE: technique language

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[Redacted]

I realize how important this issue is to you, though, so I will bring this back up the chain over here in order to make sure that my supervisors understand what you are asking.

[Redacted]

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

From: [Redacted] (PH) (FBI)
Sent: Monday, May 08, 2006 4:13 PM
To: [Redacted]
Cc: [Redacted]
Subject: RE:

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[Redacted] I was overzealous in making my argument. The message I was trying to articulate was the need to broaden the current language [Redacted]

(S)

[Redacted]

[Redacted] know you feel that new language must be filed [Redacted]

[Redacted] In reality, [Redacted]

[Redacted] has forwarded the language to ITOS. Give me a call on Tuesday

[Redacted] we will do whatever is necessary to move this forward. Thanks [Redacted]

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

From: [Redacted] (OGC) (OGA)
Sent: Friday, May 05, 2006 1:11 PM
To: [Redacted]
Cc: [Redacted]
Subject: RE:

SECRET
RECORD 315

[Redacted]

I'm sorry I missed you as well [Redacted] and I were going back and forth to the Court waiting for the Judge to hear the two matters on the docket for this week. As your team knows, he heard one earlier this morning and is hearing the other in a few minutes.

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I'll be out Monday, but wanted to make sure to respond to your email so that we can get on the same page. [Redacted]

[Redacted]

I'd be happy to discuss this further with you on Tuesday, but, in the meantime, I'm sure [Redacted] can assist with immediate questions.

~~SECRET~~

Thank you [Redacted]

~~SECRET~~

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

From: [redacted] (PH) (FBI)
Sent: Thursday, May 04, 2006 6:41 PM
To: [redacted]
Cc: [redacted]

Subject:

SECRET
RECORD 315

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[redacted]

DERIVED FROM: G-1 FBI Classification Guide G-1, dated 1/99, Foreign Government Information
DECLASSIFICATION EXEMPTION 1
SECRET

DERIVED FROM: G-1 FBI Classification Guide G-1, dated 1/99, Foreign Government Information
DECLASSIFICATION EXEMPTION 1
SECRET

DERIVED FROM: G-1 FBI Classification Guide G-1, dated 1/99, Foreign Government Information
DECLASSIFICATION EXEMPTION 1
SECRET

DERIVED FROM: G-1 FBI Classification Guide G-1, dated 1/99, Foreign Government Information
DECLASSIFICATION EXEMPTION 1
SECRET

DERIVED FROM: G-1 FBI Classification Guide G-1, dated 1/99, Foreign Government Information
DECLASSIFICATION EXEMPTION 1
SECRET

DERIVED FROM: G-1 FBI Classification Guide G-1, dated 1/99, Foreign Government Information
DECLASSIFICATION EXEMPTION 1
SECRET

DERIVED FROM: G-1 FBI Classification Guide G-1, dated 1/99, Foreign Government Information
DECLASSIFICATION EXEMPTION 1
SECRET

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~~SECRET~~

[redacted] (OTD) (CON)

From: [redacted] (OGC) (FBI)
Sent: Thursday, September 06, 2007 4:18 PM
To: [redacted] (OTD) (CON)
Subject: FW: technique language

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SECRET
RECORD 315 DATE: 03-26-2009
CLASSIFIED BY 60322UC/LP/STP/gjg
REASON: 1.4 (C)
DECLASSIFY ON: 03-26-2034

[redacted]
Acting Unit Chief
Science and Technology Law Unit
Office of the General Counsel
Federal Bureau of Investigation
Ph: [redacted]
Cell: [redacted]
Ph (Secure): [redacted]
Fax: [redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Thursday, May 11, 2006 1:30 PM
To: [redacted] (OGC) (FBI)
Subject: FW: technique language

b6
b7C

SECRET
RECORD 315

fyi

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

From: [redacted] (OGC) (FBI)
Sent: Wednesday, May 10, 2006 10:22 AM
To: [redacted]
Cc: [redacted]
Subject: RE: technique language

SECRET
RECORD 315

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[Large redacted block]

(S)

(S)

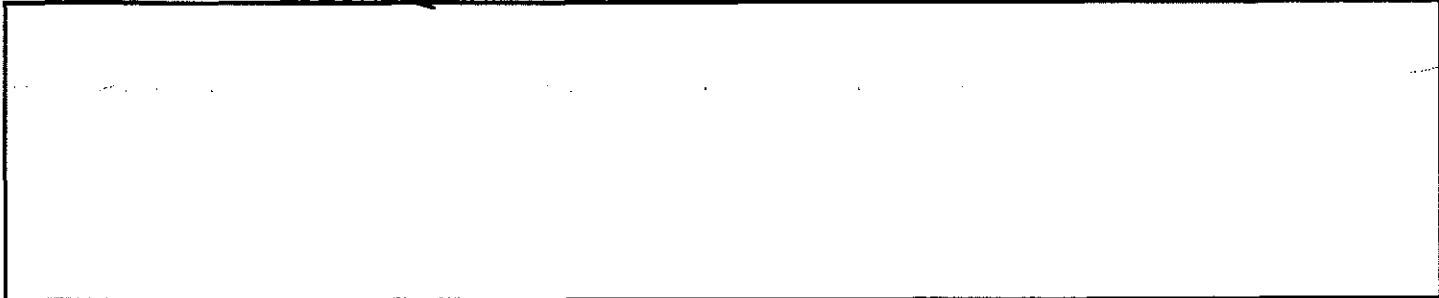
As to step (1): [redacted]

(S)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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~~SECRET~~



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It might be worth going back to OIPR with this argument.
PRIVILEGED DELIBERATIVE DOCUMENT - NOT FOR DISCLOSURE OUTSIDE THE FBI WITHOUT PRIOR OGC APPROVAL

[Redacted]
Assistant General Counsel
Science & Technology Law Unit
Engineering Research Facility

[Redacted]
Quantico Va 22135
Tel: [Redacted]
Fax: [Redacted]
pag [Redacted]

b6
b7C

SCIENCE & TECHNOLOGY LAW UNIT - OFFICE OF THE GENERAL COUNSEL

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

From: [Redacted] (CTD) (FBI)
Sent: Wednesday, May 10, 2006 9:32 AM
To: [Redacted]
Cc: [Redacted]
Subject: FW: technique language
Importance: High

SECRET
RECORD 315

All,
After working out the PG issue with you all, I was hoping for advise on the thread below.
Is this something OTD can excute on the existing orders?
Do we need to present the criminal language to the FISC, also below?
Any input would be appreciated.
Thanks
[Redacted]

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SSA [Redacted]
FBIHQ/CTD/LX1
ITQS 1/CONUS 1
Rm 4W158
Desk [Redacted]
Pgr [Redacted]
Internal Secure [Redacted]

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

From: [Redacted] (CTD) (FBI)
Sent: Tuesday, May 09, 2006 6:11 PM
To: [Redacted]
Cc: [Redacted]

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Subject: RE: technique language

[Redacted]

[Redacted] sums it up well:

[Redacted]

(S)

[Redacted]

(S)

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(S)

Here's the criminal language as provided by PH:

[Redacted]

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(S)

Thanks

[Redacted]

SSA [Redacted]
FBIHQ/CTD/LX1
ITOS 1/CONUS 1

~~SECRET~~

Rm 4W158
Desk
Pgr
Internal Secure



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

From: [redacted] (CTD) (FBI)
Sent: Tuesday, May 09, 2006 1:13 PM
To: [redacted]
Cc: [redacted]
Subject: FW: technique language

SECRET
RECORD 315

[redacted] what technique are we using here?
Assistant Section Chief [redacted]
CTD/ITOS I
[redacted] (office)
[redacted] (secure)
[redacted] (blackberry)

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

From: [redacted] (CTD) (FBI)
Sent: Tuesday, May 09, 2006 10:36 AM
To: [redacted] (PH) (FBI)
Cc: [redacted]
Subject: RE: technique language

SECRET
RECORD 315

[redacted]
Can you please get [redacted] involved in this, I understand what [redacted] is saying, but it seems odd that we are not using the same language as the criminal side of the house. I do not know if this is something that should be brought up in the Thurs meeting, but we should push where we can. Thanks.
[redacted]

b6
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-----Original Message-----

From: [redacted] (PH) (FBI)
Sent: Tuesday, May 09, 2006 10:24 AM
To: [redacted]
Cc: [redacted]
Subject: RE: technique language

SECRET
RECORD 315

[redacted] I have very little experience dealing with the FISC. The vast majority of my experiences have been with the US District Courts. Unfortunately, we have a situation that may not yield the months needed to work through the FISC's bureaucratic system. Then again it may. I am not personally comfortable waiting to go through that long approval process. We are currently operating in an environment that is faced with several different threat streams. Maybe it is coincidence, I don't know. Is there any way this process can be expedited? Can we have ERF provide you with a draft? I know you have been in lock step with us. This needs to happen now - [redacted]
[redacted] We need to know what they are discussing - Plans? Operations? Other conspirators? Maybe nothing of significance - again, I don't know. We need to get to the bottom of this issue in order to move forward. Thanks for your continued help. Feel free to call me [redacted] if there is

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[redacted] (OTD) (CON)

From: [redacted] (OGC) (FBI)
Sent: Thursday, September 06, 2007 4:18 PM
To: [redacted] (OTD) (CON)
Subject: FW: technique language

SECRET//ORCON,NOFORN
RECORD 315

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[redacted]
Acting Unit Chief
Science and Technology Law Unit
Office of the General Counsel
Federal Bureau of Investigation
Ph: [redacted]
Cell: [redacted]
Ph (Secure): [redacted]
Fax: [redacted]

-----Original Message-----
From: [redacted] (OGC) (FBI)
Sent: Thursday, May 17, 2006 1:29 PM
To: [redacted]
Cc: [redacted]
Subject: RE: technique language

SECRET//ORCON,NOFORN
RECORD 315

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I am the un-named OGC attorney. Sorry I should have included you in the email but just wasn't thinking ---sorry!!! I will forward to you the email I sent.

I accept the concern, but in my humble opinion [redacted]

[redacted]

(S)

My apologies again,
[redacted]

CLASSIFIED BY 60322UC/LP/STP/gjg
REASON: 1.4 (C)
DECLASSIFY ON: 04-02-2034

~~SECRET~~

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HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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

From: [redacted] (OGC) (FBI)
Sent: Thursday, May 11, 2006 12:33 PM
To: [redacted]
Subject: FW: technique language
Importance: High

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SECRET//ORCON,NOFORN
RECORD 315

Sorry to be a bother but this is a new issue for me...

(S) [redacted]

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(S) [redacted]

Any thoughts? And thanks

[redacted]
Assistant General Counsel
Science and Technology Law Unit
Office of the General Counsel
Federal Bureau of Investigation
Ph [redacted]
Ph (Secure) [redacted]
Fax [redacted]

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

From: [redacted] (OTD) (FBI)
Sent: Thursday, May 11, 2006 11:27 AM
To: [redacted]
Cc: [redacted]
Subject: RE: technique language
Importance: High

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SECRET//ORCON,NOFORN
RECORD 315

[redacted] just so we all understand the technical basis to this evolving legal interpretation:

(S) [redacted]

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(U/LES) If the above doesn't change the legal opinion below, then we're still good. If it affects the opinion, then I have some recommendations for [redacted]

[redacted]

~~SECRET~~

[Redacted]

(OTD) (CON)

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From: [Redacted] (OGC) (FBI)
Sent: Thursday, September 06, 2007 4:19 PM
To: [Redacted] (OTD) (CON)
Subject: FW: technique language

Importance: High

SECRET//ORCON,NOFORN
RECORD 315

[Redacted]

Acting Unit Chief
Science and Technology Law Unit
Office of the General Counsel
Federal Bureau of Investigation
Ph [Redacted]
Cell [Redacted]
Ph (Secure) [Redacted]
Fax [Redacted]

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

From: [Redacted] (OGC) (FBI)
Sent: Thursday, May 11, 2006 12:26 PM
To: [Redacted] (CTD) (FBI)
Cc: [Redacted] (OTD) (FBI)
Subject: FW: technique language
Importance: High

SECRET//ORCON,NOFORN
RECORD 315

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[Redacted]

[Redacted] Thanks.

[Redacted]

Assistant General Counsel
Science and Technology Law Unit
Office of the General Counsel
Federal Bureau of Investigation
Ph [Redacted]
Ph (Secure) [Redacted]
Fax [Redacted]

DATE: 04-03-2009
CLASSIFIED BY 60322UC/LP/STP/gjg
REASON: 1.4 (C)
DECLASSIFY ON: 04-03-2034

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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

From: [Redacted] (OTD) (FBI)
Sent: Thursday, May 11, 2006 11:27 AM
To: [Redacted] (CTD) (FBI)
Cc: [Redacted]
Subject: RE: technique language
Importance: High

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[redacted] (OTD) (CON)

From: [redacted] (OGC) (FBI)
Sent: Thursday, September 06, 2007 4:19 PM
To: [redacted] (OTD) (CON)
Subject: FW: STLU opinion needed Re Use of IPAV

SECRET//NOFORN
RECORD [redacted]

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[redacted]
Acting Unit Chief
Science and Technology Law Unit
Office of the General Counsel
Federal Bureau of Investigation
Ph [redacted]
Cell [redacted]
Ph (Secure) [redacted]
Fax [redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Monday, April 17, 2006 11:21 AM
To: [redacted]
Cc: [redacted]
Subject: RE: STLU opinion needed Re Use of IPAV

SECRET//NOFORN
RECORD [redacted]

[redacted]
[redacted] is asking me for an update on the matter addressed below. As this matter needs to be vetted by NSLB before I get involved I'd like to hand this off to you. [redacted] please give [redacted] a call at [redacted] and start this ball rolling.

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[redacted]
Assistant General Counsel
Science and Technology Law Unit
Office of the General Counsel
Federal Bureau of Investigation
Phone [redacted]
Fax [redacted]

DATE: 04-03-2009
CLASSIFIED BY 60322UC/LP/STP/gjg
REASON: 1.4 (C)
DECLASSIFY ON: 04-03-2034

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

From: [redacted] (OGC) (FBI)
Sent: Tuesday, March 21, 2006 4:57 PM
To: [redacted]
Cc: [redacted]
Subject: FW: STLU opinion needed Re Use of IPAV

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SECRET//NOFORN
RECORD [redacted]

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

(S)

[Redacted]

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[Redacted]

[Redacted]

Assistant General Counsel
Science and Technology Law Unit
Office of the General Counsel
Federal Bureau of Investigation
Phone [Redacted]
Fax [Redacted]

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

From: [Redacted] CD) (OGA)
Sent: Monday, March 20, 2006 3:04 PM
To: [Redacted]
Cc: [Redacted]
Subject: RE: STLU opinion needed

SECRET//NOFORN
RECORD [Redacted]

[Redacted]

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I work with SSA [Redacted] in CD-3C, [Redacted] SSA [Redacted] and myself met with [Redacted] and SC [Redacted] to discuss a CI/Cyber type case in San Diego on a company named [Redacted]. I actually have the ticket on [Redacted] OTD was very helpful and recommended they work the legal issues of deploying their tool through their own OTD/OGC attorney first. Consequently, neither [Redacted] or I have reached out to NSLB on this matter.

(S)

[Redacted]

At the risk of making matters even more confusing I've attached portions of an e-mail I sent to SD on 3/6/06, based on our meeting with OTD. I did my best to describe the scenario we envisioned using [Redacted] if ever deployed. I also attached a rough draft LHM on [Redacted] I intend to pass to the [Redacted] once approved. This LHM gives a decent summary of the [Redacted] investigation.

~~SECRET~~

[redacted] not quite sure where to go from here. Would it be helpful if I gave you a call?

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Thanks for your time and patience. I'm sure you have figured out my now that I'm neither a cyber guy or an lawyer.

[redacted]

<< File: [redacted] >> << File: [redacted] >>

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

From: [redacted] (CD) (FBI)
Sent: Monday, March 20, 2006 10:40 AM
To: [redacted] (CD) (OGA)
Subject: FW: STLU opinion needed

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SECRET//NOFORN
RECORD [redacted]

[redacted]

This is the status of OTD's efforts to address [redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Wednesday, March 15, 2006 2:24 PM
To: [redacted] (CD) (FBI)
Cc: [redacted] (OTD)
Subject: FW: STLU opinion needed

SECRET//NOFORN
RECORD [redacted]

[redacted]

I need to know which NSLB attorney is working this case with you.

Thanks

[redacted]

Assistant General Counsel
Science and Technology Law Unit
Office of the General Counsel
Federal Bureau of Investigation
Phone [redacted]
Fax [redacted]

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

From: [redacted] (OTD)
Sent: Thursday, March 09, 2006 7:59 AM
To: [redacted] (OGC) (FBI)
Subject: FW: STLU opinion needed

SECRET//NOFORN
RECORD [redacted]

~~SECRET~~

~~SECRET~~

SSA [redacted]
Cryptologic & Electronic Analysis Unit
Digital Evidence Section, Operational Technology Division
Quantico, VA



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secure fax

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

From: [redacted] (OGC) (FBI)
Sent: Monday, February 27, 2006 2:05 PM
To: [redacted] (OTD)
Subject: RE: STLU opinion needed

~~SECRET//NOFORN~~
~~RECORD~~ [redacted]



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(S)

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

From: [redacted] (OTD)
Sent: Monday, February 27, 2006 1:20 PM
To: [redacted]
Cc: [redacted]
Subject: RE: STLU opinion needed

~~SECRET//NOFORN~~
~~RECORD~~ [redacted]

My thoughts exactly and that is what I conveyed to the HQ components that have inquired about this scenario. In other words, to mirror the criminal SW language:



(S)

SSA [redacted]
Cryptologic & Electronic Analysis Unit
Digital Evidence Section, Operational Technology Division
Quantico, VA



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secure voice
secure fax

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

From: [redacted] (OGC) (FBI)
Sent: Friday, February 24, 2006 1:53 PM
To: [redacted]
Cc: [redacted]
Subject: RE: STLU opinion needed

~~SECRET//NOFORN~~
~~RECORD~~ [redacted]

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[Redacted]

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

From: [Redacted] (OTD)
Sent: Friday, February 24, 2006 1:15 PM
To: [Redacted]
Cc: [Redacted]
Subject: STLO opinion needed

SECRET//NOFORN
RECORD [Redacted]

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Wanted to get this in the pipeline while [Redacted] is on AL.

[Redacted]

(S)

[Redacted]

(S)

[Redacted]

(S)

SSA [Redacted]
Cryptologic & Electronic Analysis Unit
Digital Evidence Section, Operational Technology Division
Quantico, VA

[Redacted] o
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secure voice
secure fax

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

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

[Redacted]

(OTD) (CON)

From: [Redacted] (OGC) (FBI)
Sent: Thursday, September 06, 2007 4:19 PM
To: [Redacted] (OTD) (CON)
Subject: FW: EC request for assistance

Importance: High ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-03-2009 BY 60322UC/LP/STP/gjg

~~SECRET~~
RECORD 00-000-00

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[Redacted]
Acting Unit Chief
Science and Technology Law Unit
Office of the General Counsel
Federal Bureau of Investigation
Ph [Redacted]
Cell [Redacted]
Ph (Secure) [Redacted]
Fax [Redacted]

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

From: [Redacted] (OGC) (FBI)
Sent: Wednesday, December 21, 2005 10:12 AM
To: [Redacted] (OGC) (FBI)
Cc: [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI)
Subject: FW: EC request for assistance
Importance: High

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[Redacted]

I am happy to defer to ILU to continue working with OIA.

[Large Redacted Area]

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

From: [redacted] (OGC) (FBI)
Sent: Wednesday, December 21, 2005 9:29 AM
To: [redacted]
Cc: [redacted]
Subject: FW: EC request for assistance

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

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Can I inform my clients that OGC will be assisting CID in obtaining AG approval for this investigative activity?

[redacted]
Assistant General Counsel
Science and Technology Law Unit
Office of the General Counsel
Federal Bureau of Investigation
Phone [redacted]
Fax [redacted]

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

From: [redacted] (OIO)(FBI)
Sent: Wednesday, December 21, 2005 8:29 AM
To: [redacted]
Cc: [redacted]
Subject: RE: EC request for assistance

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

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We are working this out of a 163 only. Please make sure appropriate approvals are obtained.

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

From: [redacted] (CR) (FBI)
Sent: Wednesday, December 21, 2005 7:23 AM
To: [redacted]
Cc: [redacted]
Subject: EC request for assistance
Importance: High

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NON-RECORD

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

All,

[redacted]

Many thanks for your assistance in this matter.

[redacted]

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Assistant Legal Attaché
Office of the Legal Attaché
Caracas, Venezuela

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<< File: av35401.ec >>

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DECLASSIFICATION EXEMPTION 1
SECRET~~

[Redacted] (OTD) (CON)

From: [Redacted] (OGC) (FBI)
Sent: Thursday, September 06, 2007 4:19 PM
To: [Redacted] (OTD) (CON)
Subject: FW: EC request for assistance

~~SECRET~~
RECORD 00-000-00

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[Redacted]
Acting Unit Chief
Science and Technology Law Unit
Office of the General Counsel
Federal Bureau of Investigation
Ph [Redacted]
Cell [Redacted]
Ph (Secure) [Redacted]
Fax [Redacted]

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

From: [Redacted] (OGC) (FBI)
Sent: Wednesday, December 21, 2005 1:13 PM
To: [Redacted]
Cc: [Redacted]
Subject: RE: EC request for assistance

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RECORD 00-000-00

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[Redacted]

[Redacted]

[Redacted]

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

From: [Redacted] (OGC) (FBI)
Sent: Wednesday, December 21, 2005 10:12 AM
To: [Redacted]
Cc: [Redacted]
Subject: FW: EC request for assistance
Importance: High

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RECORD 00-000-00

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-03-2009 BY 60322UC/LP/STP/gjg

[Redacted]

I am happy to defer to ILU to continue working with OIA.

[Redacted]

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[Redacted] (OTD) (CON)

From: [Redacted] (OGC) (FBI)
Sent: Thursday, September 06, 2007 4:23 PM
To: [Redacted] (OTD) (CON)
Subject: FW: CIPAV court orders

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

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[Redacted]
Acting Unit Chief
Science and Technology Law Unit
Office of the General Counsel
Federal Bureau of Investigation
Ph [Redacted]
Cel [Redacted]
Ph (Secure) - [Redacted]
Fax [Redacted]

-----Original Message-----
From: [Redacted] (SL)(FBI)
Sent: Friday, November 17, 2006 6:54 PM
To: [Redacted] (OGC) (FBI)
Subject: CIPAV court orders

SENSITIVE BUT UNCLASSIFIED
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[Redacted Block]

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SENSITIVE BUT UNCLASSIFIED

[Redacted] (OTD) (CON)

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From: [Redacted] (OGC) (FBI)
Sent: Wednesday, September 05, 2007 5:31 PM
To: [Redacted] (OTD) (CON)
Subject: FOIA
Importance: High

UNCLASSIFIED
NON-RECORD

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

From: [Redacted] (OTD) (FBI)
Sent: Friday, August 24, 2007 4:59 PM
To: [Redacted]
Cc: [Redacted]
Subject: FW: FOIA EC
Importance: High

UNCLASSIFIED
NON-RECORD

Attached are the documents I have re the CIPAV FOIA which represent various drafts for model criminal search warrants. I suspect that these are drafts that were subsequently modified by the field prior to usage in a specific case and have been protected from disclosure under attorney work product deliberative documents rule. I leave it to OGC to decide whether to assert such a claim.

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[Redacted]



[Redacted]

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Thos. Gregory Motta
Section Chief, Digital Evidence Section (DES)
Operational Technology Division (OTD)
Engineering Research Facility
Bldg 27958A, Room A-207
Quantico, VA 22135

Tel. [Redacted]
Tel. [Redacted]
Fax [Redacted]

b2

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

From: [Redacted] (OTD) (FBI)
Sent: Friday, August 24, 2007 4:18 PM
To: [Redacted]

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Subject: FW: FOIA EC
Importance: High

UNCLASSIFIED
NON-RECORD

Please see below FOIA request....ALL positive and negative responses are due to your Section Secretary by Friday, August 31, 2007. 10:00 a.m.

Section Secretaries: please compile all responses and send to [redacted] by COB Friday, August 31, 2007.

[redacted]
Executive Assistant
Operational Technology Division
Front Office

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[redacted] *Voice*
[redacted] *Cellular*
[redacted] *Fax*

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

From: DICLEMENTE, ANTHONY P. (OTD) (FBI)
Sent: Friday, August 24, 2007 3:27 PM
To: [redacted] (OTD) (FBI)
Cc: [redacted] (OTD) (FBI)
Subject: FW: FOIA EC

UNCLASSIFIED
NON-RECORD

[redacted]
Can you forward the attached FOIA request throughout the division in order we respond accordingly.

Anthony P. DiClemente
Chief, Data Acquisition and Intercept Section
Operational Technology Division

[redacted]

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

From: [redacted] (OTD) (FBI)

Sent: Friday, August 24, 2007 2:17 PM
To: DICLEMENTE, ANTHONY P. (OTD) (FBI)
Subject: FW: FOIA EC

UNCLASSIFIED
NON-RECORD

Attached is the FOIA EC. I presume we need to go out to the division for a response and alert the AD?

[Redacted]

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

From: [Redacted] (OTD) (CON)
Sent: Friday, August 24, 2007 8:50 AM
To: [Redacted] (OTD) (FBI)
Subject: FOIA EC

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UNCLASSIFIED
NON-RECORD



FOIA.WPD (19 KB)

[Redacted]

Digital Evidence Section

[Redacted]

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UNCLASSIFIED

UNCLASSIFIED

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[redacted] (OTD) (CON)

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From: [redacted] (OGC) (FBI)
Sent: Wednesday, September 05, 2007 5:28 PM
To: [redacted] (OTD) (CON)
Subject: FOIA

SECRET
RECORD NSIG

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

From: [redacted] (OGC) (FBI)
Sent: Monday, August 07, 2006 9:46 AM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: FW: Export of STE issue - [redacted]

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SECRET
RECORD NSIG

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[redacted]

[Large redacted block]

(S)
(S)

[redacted]
Assistant General Counsel
Science and Technology Law Unit
Office of the General Counsel
Federal Bureau of Investigation
Ph [redacted]
Cell [redacted]
Ph (Secure) [redacted]
Fax [redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Thursday, August 03, 2006 9:17 AM
To: [redacted] (OGC) (FBI)
Subject: Export of STE issue [redacted]

DATE: 01-30-2009
CLASSIFIED BY 60322UC/LP/STP/gjg
REASON: 1.4 (C)
DECLASSIFY ON: 01-30-2034

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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SECRET
RECORD NSIG

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[Redacted]

<< File: STE Policy.WPD >>

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[Redacted]
Assistant General Counsel
Science and Technology Law Unit
Office of the General Counsel
Federal Bureau of Investigation
Ph - [Redacted]
Cell [Redacted]
Ph (Secure) [Redacted]
Fax [Redacted]

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

From: [Redacted] (OGC) (FBI)
Sent: Monday, July 31, 2006 1:56 PM
To: [Redacted]
Cc: [Redacted]
Subject: RE: Export of STE issue

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[Redacted]

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In this scenario, all the approvals are not needed that are being sought based upon the legal guidance discussed herein by [redacted] and myself. I also understand [redacted] that you mentioned [redacted] as well. If it is because CEAU is involved in this, vs another OTD section, then if the actual technique is the same as used by other OTD sections, which I understand it is, then we should either switch to that section or remain consistent with previous intel ops where we have not needed all the approvals sought by the 5/15/06 EC.

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Please let me know where we stand on this so I can advise CTD that they do not need to obtain all the approvals.

Thanks,
[redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Monday, July 31, 2006 11:43 AM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: Export of STE issue

SECRET
RECORD NSIG

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[redacted] can you please see if there is any written product about the propose [redacted] that you can email to [redacted]. I advised [redacted] that the AG Guidelines for FBI National Security Investigations (part II(E)) says that the [redacted] and AG or designee (which is the ITOS 1 Section Chief) can approve [redacted]. The AG Guidelines for ET Ops and Criminal Investigations cited in the 5/15 EC from OTD do not apply to national security cases. [redacted] understands our authorities are different and may also authorize export of the technology... She would like to know the facts so we can use this as an opportunity to clear up the issue for future purposes. If ITOS1 has an Op plan, or something similar, which indicates the SC approval [redacted] coordination, please send to [redacted]. Thank you.

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

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

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

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

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

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

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

~~SECRET~~

[Redacted] (OTD) (CON)

From: [Redacted] (OGC) (FBI)
Sent: Wednesday, September 05, 2007 5:27 PM
To: [Redacted] (OTD) (CON)
Subject: FOIA

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UNCLASSIFIED
NON-RECORD

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

From: [Redacted] (OGC) (FBI)
Sent: Tuesday, August 23, 2005 3:39 PM
To: [Redacted] (OGC) (FBI)
Subject: [Redacted] Views on OverSeas Searches

UNCLASSIFIED
NON-RECORD

[Redacted]
Assistant General Counsel
Science and Technology Law Unit
Office of the General Counsel
Federal Bureau of Investigation
Phone: [Redacted]
Fax: [Redacted]

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

From: [Redacted] (OGC) (FBI)
Sent: Tuesday, August 23, 2005 3:09 PM
To: [Redacted]
Cc: [Redacted]

Subject: RE: [Redacted]

UNCLASSIFIED
NON-RECORD

DATE: 04-07-2009
CLASSIFIED BY 60322UC/LP/STP/gjg
REASON: 1.4 (C)
DECLASSIFY ON: 04-07-2034

[Redacted]

This is a hotly debated issue, and as of yet there is no policy guidance issued. I've copied several other interested parties on this email, because they will likely be able to offer additional guidance.

CEAU in OTD has historically followed a policy of using a SW to deploy. Typically a deployment involves more than the simple IPAV [Redacted]

[Redacted]

[Redacted]

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WHERE SHOWN OTHERWISE

[Redacted]

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PRIVILEGED DELIBERATIVE DOCUMENT - NOT FOR DISCLOSURE OUTSIDE THE FBI WITHOUT PRIOR OGC APPROVAL

[Redacted]

Assistant General Counsel
Science & Technology Law Unit
Engineering Research Facility
Bldg. 27958A Room A-207B
Quantico, Va. 22135
Tel: [Redacted]
Fax: [Redacted]
page: [Redacted]

SCIENCE & TECHNOLOGY LAW UNIT - OFFICE OF THE GENERAL COUNSEL

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

From: [Redacted] (HO) (FBI)
Sent: Tuesday, August 23, 2005 1:05 PM
To: [Redacted] (OGC) (FBI)
Subject:

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[Redacted]

Hope all goes well in OGC. I know you are quite busy but wanted to get your read on a proposal from one of our cyber agents here in Houston.

Here are the questions with my limited thoughts following:

[Redacted]

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[Redacted]

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Any thoughts you may have would be appreciated or if I need to get with someone else, just let me know.

Thanks

[Redacted]

Houston

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[Redacted] (OTD) (CON)

From: [Redacted] (OGC) (FBI)
Sent: Wednesday, September 05, 2007 5:14 PM
To: [Redacted] (OTD) (CON)
Subject: FOIA

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

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

From: [Redacted] (ITD) (FBI)
Sent: Monday, October 25, 2004 9:14 AM
To: [Redacted]
Cc: [Redacted]
Subject: RE: Re [Redacted]

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

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[Redacted]

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

From: [Redacted] (OGC) (FBI)
Sent: Friday, October 22, 2004 4:28 PM
To: [Redacted]
Cc: [Redacted]
Subject: Re [Redacted]

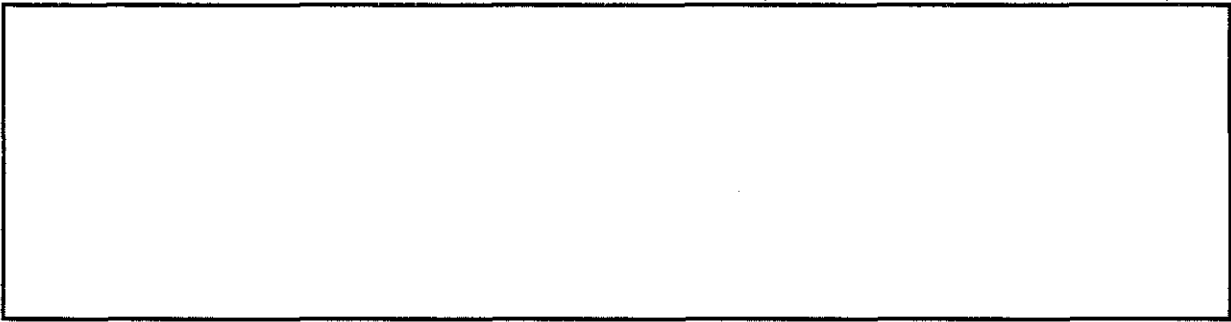
SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[Redacted]

[Redacted]

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9/6/2007



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According to the case agent, the AUSA is appealing this ruling to the 9th Circuit.

I guess DITU and CEAU should stick to using 

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[redacted] (OTD) (CON)

From: [redacted] (OTD) (FBI)
Sent: Wednesday, September 05, 2007 2:47 PM
To: [redacted]
Cc: [redacted]
Subject: RE: FOIA - CIPAV

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

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[redacted] more information for you for FOIA request. See [redacted] question. Thanks, [redacted]

[redacted]
Executive Assistant
Operational Technology Division
Front Office
[redacted] Voice
[redacted] Cellular
[redacted] Fax
[redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Tuesday, September 04, 2007 6:24 PM
To: [redacted] (OTD) (FBI)
Subject: FOIA - CIPAV

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

<< Message: FW: FOIA EC >> << Message: E-mails containg CIPAV >>

[redacted]

I am coming to this matter very late in the game. Attached are [redacted] possible relevant documents. I have not searched yet but will have many - mostly email. What is my drop-dead date on this?

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[redacted]
Acting Unit Chief
Science and Technology Law Unit
Office of the General Counsel
Federal Bureau of Investigation
Ph [redacted]
Cell [redacted]
Ph (Secure) [redacted]
Fax [redacted]

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

[REDACTED] (OTD) (CON)

From: [REDACTED] (OTD) (FBI)
Sent: Tuesday, September 04, 2007 6:24 PM
To: [REDACTED] (OGC) (FBI)
Subject: Out of Office AutoReply: FOIA - CIPAV

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I will be out of the office on Friday, August 31, 2007. If you need any assistance, please call [REDACTED] or you may reach me on my Blackberry at [REDACTED]

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HEREIN IS UNCLASSIFIED
DATE 10-28-2008 BY 60322UC/LP/STP/gjg

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[redacted] (OTD) (CON)

From: [redacted] (OGC) (FBI)
Sent: Friday, August 10, 2007 2:22 PM
To: [redacted] (OGC) (FBI)
Subject: FW: Guidance needed

SECRET//NOFORN
RECORD 288B-NY-296530

DATE: 03-27-2009
CLASSIFIED BY 60322UC/LP/STP/gjg
REASON: 1.4 (C)
DECLASSIFY ON: 03-27-2034

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FYI.

[redacted]
Assistant General Counsel
Science and Technology Law Unit
Phone [redacted]
Cell phone [redacted]
Secure phone [redacted]
Fax [redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Friday, August 10, 2007 12:47 PM
To: [redacted]
Subject: RE: Guidance needed

SECRET//NOFORN
RECORD 288B-NY-296530

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[redacted] Thanks. OTD coordination is a must. [redacted]
[redacted]

[redacted] FYI.
[redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Friday, August 10, 2007 11:32 AM
To: [redacted]
Cc: [redacted]
Subject: RE: Guidance needed

SECRET//NOFORN
RECORD 288B-NY-296530

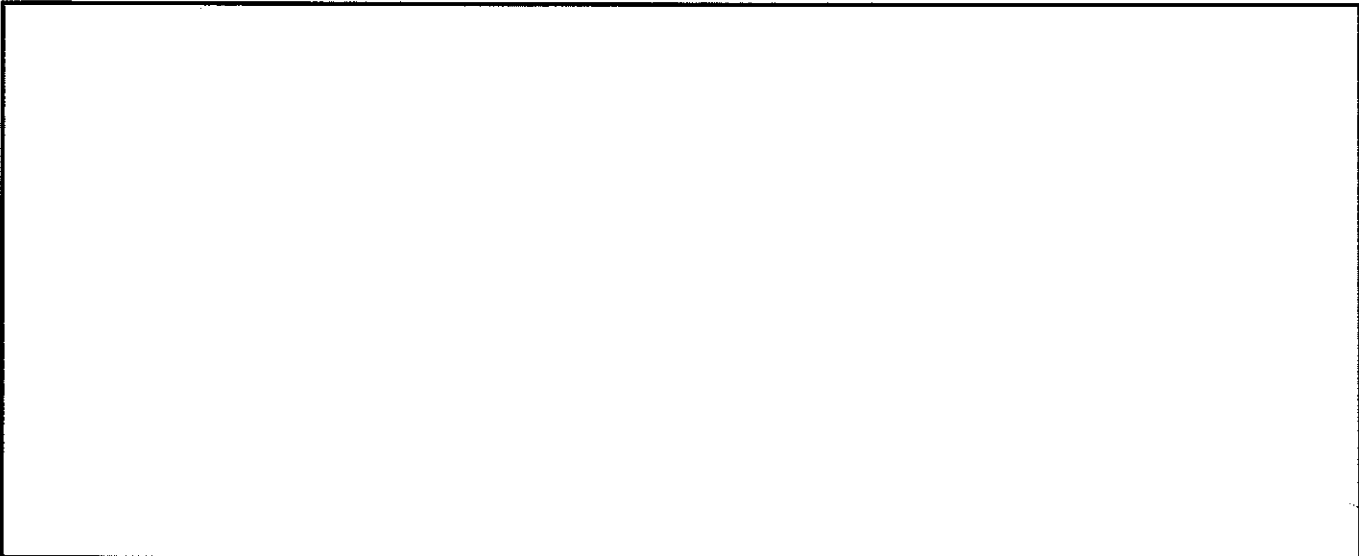
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After reading the July 26, 2007 [redacted] EC [redacted] assume this is what you called me about while I was overseas, so I hope you spoke with [redacted] NY proposes three investigative techniques:

[redacted]

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HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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[redacted] please give me a call and we can hook up with OTD on the details.

[redacted]

Assistant General Counsel
National Security Law Branch
Office of General Counsel FBI



Voice
Pager
Secure Fax
Fax

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

From: [redacted] (NY) (FBI)
Sent: Wednesday, August 08, 2007 5:28 PM
To: [redacted]
Cc: [redacted]
Subject: RE: Guidance needed

SECRET//NOFORN
RECORD 288B-NY-296530

[redacted]

Can you forward the enclosures to [redacted]?

Thx

[redacted]

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[redacted]

Counterterrorism Law Unit I
OGC National Security Law Branch
[redacted] office

This may be a privileged attorney-client/attorney work product communication.

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

From: [redacted] (OGC) (FBI)
Sent: Wednesday, August 08, 2007 4:10 PM
To: [redacted]

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Cc: [redacted] (OGC) (FBI)
Subject: RE: Guidance needed

SECRET//NOFORN
RECORD 288B-NY-296530

[redacted]

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This is one of those issues that has ebbed and flowed with OIPR for the last couple of years. I'll ask [redacted] what the current status is when he gets back from a conference tomorrow. Could you forward us the EC enclosures regarding the intelligence reports? I'll get back to you soonest. Thanks.

[redacted]

Assistant General Counsel
National Security Law Branch

[redacted]

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

From: [redacted] (NY) (FBI)
Sent: Wednesday, August 08, 2007 3:56 PM
To: [redacted]
Cc: [redacted]
Subject: FW: Guidance needed

SECRET//NOFORN
RECORD 288B-NY-296530

[redacted]

Would you take a look at the attached?

Thx

[redacted]

[redacted]

Counterterrorism Law Unit I
OGC, National Security Law Branch

[redacted] office

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This may be a privileged attorney-client/attorney work product communication.

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

From: [redacted] (OGC) (FBI)
Sent: Wednesday, August 08, 2007 1:00 PM
To: [redacted] (NY) (FBI)
Subject: FW: Guidance needed

SECRET//NOFORN
RECORD 288B-NY-296530

[redacted]

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Have you involved [redacted] on this? I am pretty sure that [redacted] pinged at least one of them in the past few months about this. Once NSLB comes to some consensus, please let us (STLU) know so

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that we can discuss any concerns that we may have and ensure that we are on the same page.

[Redacted]

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

From: [Redacted] (NY) (FBI)
Sent: Monday, August 06, 2007 12:55 PM
To:

Cc:

Subject: Guidance needed

SECRET//NOFORN
RECORD 288B-NY-296530

Hi All,

Attached is an approved EC with leads for all concerned. We are still attempting to move our [Redacted] case forward in a timely manner. [Redacted] and myself will be more than happy to field whatever questions you may have.

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Thanks.

[Redacted]

<< File: OTDreq.ec.02wpd.wpd >>

~~**DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign Counterintelligence Investigations**
DECLASSIFY ON: 20320806
SECRET//NOFORN~~

~~**DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign Counterintelligence Investigations**
DECLASSIFY ON: 20320806
SECRET//NOFORN~~

~~**DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign Counterintelligence Investigations**
DECLASSIFY ON: 20320806
SECRET//NOFORN~~

~~**DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign Counterintelligence Investigations**
DECLASSIFY ON: 20320806
SECRET//NOFORN~~

~~**DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign Counterintelligence Investigations**
DECLASSIFY ON: 20320806
SECRET//NOFORN~~

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[Redacted] OTD) (CON)

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From: [Redacted] (OGC) (FBI)
Sent: Thursday, August 09, 2007 1:56 PM
To: [Redacted]
Cc: [Redacted]
Subject: RE: Guidance needed

SECRET//NOFORN
RECORD 288B-NY-296530

Concur. All part of the OGC dialogue with them.

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

From: [Redacted] (OGC) (FBI)
Sent: Thursday, August 09, 2007 1:50 PM
To: [Redacted]
Cc: [Redacted]
Subject: RE: Guidance needed

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SECRET//NOFORN
RECORD 288B-NY-296530

[Redacted]

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[Redacted]
Assistant General Counsel
Science and Technology Law Unit
Phone [Redacted]
Cell phone [Redacted]
Secure phone [Redacted]
Fax [Redacted]

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

From: [Redacted] (OGC) (FBI)
Sent: Thursday, August 09, 2007 10:32 AM
To: [Redacted]
Cc: [Redacted]
Subject: RE: Guidance needed

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SECRET//NOFORN
RECORD 288B-NY-296530

Guess that is all part of the analysis/guidance that we give to NY, with NSLB.

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

From: [Redacted] (OGC) (FBI)
Sent: Thursday, August 09, 2007 10:19 AM
To: [Redacted]
Cc: [Redacted]
Subject: RE: Guidance needed

DATE: 03-27-2009
CLASSIFIED BY 60322UC/LP/STP/gjg
REASON: 1.4 (C)
DECLASSIFY ON: 03-27-2034

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RECORD 288B-NY-296530

[Redacted]

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[Redacted]

[Redacted]

Acting Unit Chief
Science and Technology Law Unit
Office of the General Counsel
Federal Bureau of Investigation

Ph [Redacted]

Cell [Redacted]

Ph (Secure) [Redacted]

Fax [Redacted]

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

From: [Redacted] (OGC) (FBI)
Sent: Thursday, August 09, 2007 10:11 AM
To: [Redacted]
Cc: [Redacted]
Subject: RE: Guidance needed

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SECRET//NOFORN
RECORD 288B-NY-296530

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[Redacted]

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

From: [Redacted] (OGC) (FBI)
Sent: Thursday, August 09, 2007 10:08 AM
To: [Redacted]
Cc: [Redacted]
Subject: RE: Guidance needed

SECRET//NOFORN
RECORD 288B-NY-296530

[Redacted]

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Thanks

[Redacted]

Acting Unit Chief
Science and Technology Law Unit
Office of the General Counsel
Federal Bureau of Investigation

Ph [Redacted]

Cell [Redacted]

Ph (Secure) [Redacted]

Fax [Redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Thursday, August 09, 2007 9:43 AM
To: [redacted]
Cc: [redacted]
Subject: RE: Guidance needed

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SECRET//NOFORN
RECORD 288B-NY-296530

[redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Wednesday, August 08, 2007 6:06 PM
To: [redacted]
Cc: [redacted]
Subject: RE: Guidance needed

SECRET//NOFORN
RECORD 288B-NY-296530

Give me a few days I think we may have a resolution on the general questions involved by end of the week [redacted]

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[redacted]

Assistant General Counsel
National Security Law Branch
Office of General Counsel FBI

[redacted]

Voice
Pager
Secure Fax
Fax

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

From: [redacted] (NY) (FBI)
Sent: Wednesday, August 08, 2007 3:56 PM
To: [redacted]
Cc: [redacted]
Subject: FW: Guidance needed

SECRET//NOFORN
RECORD 288B-NY-296530

[redacted]

Would you take a look at the attached?

Thx
[redacted]

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[redacted]

Counterterrorism Law Unit I
OGC National Security Law Branch
[redacted] office

~~SECRET~~

This may be a privileged attorney-client/attorney work product communication.

SECRET

[Redacted] (OTD) (CON)

From: [Redacted] (OGC) (FBI)
Sent: Thursday, August 09, 2007 10:03 AM
To: [Redacted]
Cc: [Redacted]
Subject: FW: Guidance needed

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RECORD 288B-NY-296530

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[Redacted] (S)

[Redacted] (S)

Acting Unit Chief
Science and Technology Law Unit
Office of the General Counsel
Federal Bureau of Investigation
Ph [Redacted]
Ce [Redacted]
Ph (Secure) [Redacted]
Fax [Redacted]

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

From: [Redacted] (OGC) (FBI)
Sent: Thursday, August 09, 2007 9:43 AM
To: [Redacted]
Cc: [Redacted]
Subject: RE: Guidance needed

~~SECRET//NOFORN~~
RECORD 288B-NY-296530

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[Redacted]

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

From: [Redacted] (OGC) (FBI)
Sent: Wednesday, August 08, 2007 6:06 PM
To: [Redacted]
Cc: [Redacted]
Subject: RE: Guidance needed

~~SECRET//NOFORN~~
RECORD 288B-NY-296530

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Give me a few days I think we may have a resolution on the general questions involved by end of the week [Redacted]

[Redacted]

Assistant General Counsel
National Security Law Branch
Office of General Counsel FBI

[Redacted]

Voice
Pager
~~Secure Fax~~

~~SECRET~~

[redacted] (OTD) (CON)

From: [redacted] (OGC) (FBI)
Sent: Thursday, August 09, 2007 7:23 AM
To: [redacted]
Cc: [redacted]
Subject: RE: Guidance needed

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SECRET//NOFORN
RECORD 288B-NY-296530

No biggie. For whatever reason, because I sit in Cyber I serve as the launch point for many of these inquiries from the Field and I usually find myself mediating b/w NSLB and OTD. I don't mind it. They are parallel to criminal issues. I think that [redacted] will forward that. NSLB said that they would get back to me soon.

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

From: [redacted] (OGC) (FBI)
Sent: Wednesday, August 08, 2007 4:57 PM
To: [redacted]
Cc: [redacted]
Subject: RE: Guidance needed

SECRET//NOFORN
RECORD 288B-NY-296530

Sorry [redacted] and I discussed it, and since it appears to be a CEAU collection, I answered it. I guess I am still unclear on Cyber's role in answering questions concerning legal authority to do collections. Didn't mean to step on any toes.

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[Large redacted block]

[redacted]
Assistant General Counsel
Science and Technology Law Unit
Phone [redacted]
Cell phone: [redacted]
Secure phone [redacted]
Fax [redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Wednesday, August 08, 2007 3:58 PM
To: [redacted]
Cc: [redacted]
Subject: RE: Guidance needed

DATE: 04-03-2009
CLASSIFIED BY 60322UC/LP/STP/gjg
REASON: 1.4 (C)
DECLASSIFY ON: 04-03-2034

SECRET//NOFORN
RECORD 288B-NY-296530

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[redacted]

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WHERE SHOWN OTHERWISE

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I was hoping that we could keep this in the Unit/Division to come to a consensus before we went back to NY. There was a lot of back and forth on this for months even before we got here so I was trying to wrap it up in a neat package. I had a feeler out to NSLB on this and was waiting to hear back because I am listed as the POC on the EC.

[Redacted]

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Also, I had already sent [Redacted] email to [Redacted] a few months ago. Let's talk some more.

[Redacted]

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

From: [Redacted] (OGC) (FBI)
Sent: Wednesday, August 08, 2007 3:06 PM
To: [Redacted]
Cc: [Redacted]
Subject: RE: Guidance needed

SECRET//NOFORN
RECORD 288B-NY-296530

[Redacted]

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[Redacted]
Assistant General Counsel

~~SECRET~~

Science and Technology Law Unit

Phone: [redacted]
Cell phone [redacted]
Secure phone [redacted]
Fax: [redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Wednesday, August 08, 2007 12:48 PM
To: [redacted]
Subject: FW: Guidance needed

SECRET//NOFORN
RECORD 288B-NY-296530

Gents:

Please review. We should probably discuss.

Thanks,

[redacted]

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

From: [redacted] (NY) (FBI)
Sent: Monday, August 06, 2007 12:55 PM
To: [redacted]
Cc: [redacted]
Subject: Guidance needed

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SECRET//NOFORN
RECORD 288B-NY-296530

Hi All,

Attached is an approved EC with leads for all concerned. We are still attempting to move our [redacted] case forward in a timely manner. [redacted] and myself will be more than happy to field whatever questions you may have.

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Thanks
[redacted]

<< File: OTDreq.ec.02wpd.wpd >>

DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20320806
SECRET//NOFORN

DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20320806
SECRET//NOFORN

~~SECRET~~

[redacted] (OTD) (CON)

From: [redacted] (OGC) (FBI)
Sent: Tuesday, August 07, 2007 5:24 PM
To: [redacted]
Cc: [redacted]
Subject: RE: Help with two new FOIA requests:

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted]
As an FYI, in ACS, they're listed as OST (Office of Special Technologies)

[redacted]
Assistant General Counsel
Science and Technology Law Unit
Office of the General Counsel
w: [redacted]
bt [redacted]

PRIVILEGED DELIBERATIVE DOCUMENT - NOT FOR DISCLOSURE OUTSIDE THE FBI WITHOUT PRIOR OGC APPROVAL

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

From: [redacted] (OGC) (FBI)
Sent: Tuesday, August 07, 2007 5:19 PM
To: [redacted]
Cc: [redacted]
Subject: RE: Help with two new FOIA requests:

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NON-RECORD

Ok, thanks [redacted]

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[redacted]
Unit Chief, FOIA Litigation Unit
Office of the General Counsel/FBI
935 Pennsylvania Avenue, N.W.
Room PA 400
Washington, D.C. 20535

[redacted] (Direct #)
[redacted] (Fax #)
[redacted] (Pager #)
[redacted] (Cell #)

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

From: [redacted] (OGC) (FBI)
Sent: Tuesday, August 07, 2007 4:53 PM
To: [redacted]
Cc: [redacted]
Subject: RE: Help with two new FOIA requests:

ALL INFORMATION CONTAINED
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DATE 04-03-2009 BY 60322UC/LP/STP/gjg

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SENSITIVE BUT UNCLASSIFIED

NON-RECORD

Special Technologies & Applications Office

[Redacted]

Assistant General Counsel
Science and Technology Law Unit
Office of the General Counsel

w: [Redacted]
bt [Redacted]

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PRIVILEGED DELIBERATIVE DOCUMENT - NOT FOR DISCLOSURE OUTSIDE THE FBI WITHOUT PRIOR OGC APPROVAL

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

From: [Redacted] (OGC) (FBI)
Sent: Tuesday, August 07, 2007 4:34 PM
To: [Redacted]
Cc: [Redacted]
Subject: RE: Help with two new FOIA requests:

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NON-RECORD

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[Redacted] Thanks very much for your feedback; please excuse my ignorance, but what does "STAO" stand for? [Redacted]

[Redacted]

Unit Chief, FOIA Litigation Unit
Office of the General Counsel/FBI
935 Pennsylvania Avenue, N.W.
Room PA 400
Washington, D.C. 20535

[Redacted] (Direct #)
[Redacted] (Fax #)
[Redacted] (Pager #)
[Redacted] (Cell #)

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

From: [Redacted] (OGC) (FBI)
Sent: Tuesday, August 07, 2007 4:03 PM
To: [Redacted]
Cc: [Redacted]
Subject: RE: Help with two new FOIA requests:

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[Redacted]

For OGC, yes, STLU should be included as we have attorneys who have worked CIPAV issues.

There is one unit in STAO that could possibly have relevant information - I'm not convinced they do, but the UC is fairly new and didn't want to say outright that they didn't - so, for the sake of thoroughness, I would add STAO.

[Redacted]

Assistant General Counsel
Science and Technology Law Unit
Office of the General Counsel

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w: [Redacted]
bb: [Redacted]

PRIVILEGED DELIBERATIVE DOCUMENT - NOT FOR DISCLOSURE OUTSIDE THE FBI WITHOUT
PRIOR OGC APPROVAL

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

From: [Redacted] (OGC) (FBI)
Sent: Tuesday, August 07, 2007 10:49 AM
To: [Redacted]
Cc: [Redacted]
Subject: RE: Help with two new FOIA requests:

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Ok, thanks for getting back to me [Redacted]

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[Redacted]
Unit Chief, FOIA Litigation Unit
Office of the General Counsel/FBI
935 Pennsylvania Avenue, N.W.
Room PA 400
Washington, D.C. 20535

[Redacted] (Direct #)
(Fax #)
(Pager #)
(Cell #)

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

From: [Redacted] (OGC) (FBI)
Sent: Tuesday, August 07, 2007 8:00 AM
To: [Redacted]
Cc: [Redacted]
Subject: RE: Help with two new FOIA requests:

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This sounds like [Redacted] for a change. I don't know that we have much on this in
NSLB, but you should include us in the request to search.

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

From: [Redacted] (OGC) (FBI)
Sent: Monday, August 06, 2007 5:01 PM
To: [Redacted]
Cc: [Redacted]

Subject: Help with two new FOIA requests:
Importance: High

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[Redacted]

We have received two recent FOIA requests -- one from the Electronic Frontier Foundation (dated 7/24/07) and one from Wired News (dated 7/17/07) -- both of which seek access to all records concerning the **FBI's development and use of a certain software known as a "computer and internet protocol address verifier" or CIPAV**, which the requesters describe as a "tool to identify and/or monitor a target computer in a criminal or foreign intelligence investigation."

RIDS is preparing a Search EC -- my question to all of you -- which divisions are the logical targets of such a Search EC? So far, we have identified OGC -- should that include **NSLB? ILU? STLU?** And SA [Redacted] in Operational Technology Division (OTD) has been in touch with FLU as well -- [Redacted] -- is he a client of STLUs, so we are including OTD. Who else ????

Your input is greatly appreciated; time is of the essence.

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Thanks in advance [Redacted]

[Redacted]

Unit Chief, FOIA Litigation Unit
Office of the General Counsel/FBI
935 Pennsylvania Avenue, N.W.
Room PA 400
Washington, D.C. 20535

[Redacted]

(Direct #)
(Fax #)
(Pager #)
(Cell #)

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SENSITIVE BUT UNCLASSIFIED

[Redacted]

(OTD) (CON)

From: [Redacted] (OGC) (FBI)
Sent: Tuesday, August 07, 2007 4:21 PM
To: [Redacted] (OGC) (FBI)
Subject: FW: Help with two new FOIA requests:

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fyi

[Redacted]

Acting Unit Chief
Science and Technology Law Unit
Office of the General Counsel
Federal Bureau of Investigation
Ph: [Redacted]
Cell: [Redacted]
Ph (Secure): [Redacted]
Fax: [Redacted]

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

From: [Redacted] (OGC) (FBI)
Sent: Tuesday, August 07, 2007 11:47 AM
To: [Redacted]
Cc: [Redacted]
Subject: RE: Help with two new FOIA requests:

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[Redacted] is down at Quantico [Redacted] handle their issues, which includes CIPAV. I will check with STAO to see if any of the units here handle anything similar.

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[Redacted]

Assistant General Counsel
Science and Technology Law Unit
Office of the General Counsel

w: [Redacted]
bt

PRIVILEGED DELIBERATIVE DOCUMENT - NOT FOR DISCLOSURE OUTSIDE THE FBI WITHOUT PRIOR OGC APPROVAL

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

From: [Redacted] (OGC) (FBI)
Sent: Tuesday, August 07, 2007 8:00 AM
To: [Redacted]
Cc: [Redacted]
Subject: RE: Help with two new FOIA requests:

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NON-RECORD

[Redacted] (OTD) (CON)

From: [Redacted] (OGC) (FBI)
Sent: Tuesday, August 07, 2007 10:55 AM
To: [Redacted]
Cc: [Redacted]
Subject: RE: CIPAV/[Redacted] - FYI

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Can't hurt to ask. In my experience, the biggest problem around here is communication, especially about policy. 75% of the time there is guidance but no one knows where to find it. The other 25% of the time it is just missing.

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

From: [Redacted] (OGC) (FBI)
Sent: Tuesday, August 07, 2007 10:54 AM
To: [Redacted]
Cc: [Redacted]
Subject: RE: CIPAV/[Redacted] - FYI

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I will talk with some of the folks out here. I think, as I mentioned, that they will be unwilling to put out anything that speaks of capabilities. I'm also not sure they perceive a need for something like this, but we will see what they say.

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[Redacted]
Assistant General Counsel
Science and Technology Law Unit
Phone [Redacted]
Cell phone [Redacted]
Secure phone [Redacted]
Fax [Redacted]

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

From: [Redacted] (OGC) (FBI)
Sent: Tuesday, August 07, 2007 10:29 AM
To: [Redacted] (OGC) (FBI)
Subject: RE: CIPAV/[Redacted] - FYI

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DATE: 04-01-2009
CLASSIFIED BY 60322UC/LP/STP/gjg
REASON: 1.4 (C)
DECLASSIFY ON: 04-01-2034

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

From: [Redacted] (OGC) (FBI)
Sent: Tuesday, August 07, 2007 10:21 AM
To: [Redacted] (OGC) (FBI)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

Subject: RE: CIPAV/[redacted] - FYI

~~SENSITIVE BUT UNCLASSIFIED~~
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I'm not sure how that would work. Are you talking about a checklist/worksheet that the field office fills out in terms of what they want to accomplish?

[redacted]
Assistant General Counsel
Science and Technology Law Unit
Phone [redacted]
Cell phone [redacted]
Secure phone [redacted]
Fax [redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Tuesday, August 07, 2007 10:11 AM
To: [redacted] (OGC) (FBI)
Subject: RE: CIPAV/[redacted] - FYI

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Would a checklist/worksheet designed by OTD help both sides??

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

From: [redacted] (OGC) (FBI)
Sent: Tuesday, August 07, 2007 9:45 AM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: RE: CIPAV/[redacted] - FYI

~~SENSITIVE BUT UNCLASSIFIED~~
~~NON-RECORD~~



Assistant General Counsel
Science and Technology Law Unit
Phone: [redacted]
Cell phone [redacted]
Secure phone [redacted]
Fax [redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Tuesday, August 17, 2007 9:37 AM
To: [redacted] (OGC) (FBI)
[redacted] (OGC) (FBI)

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Subject: RE: CIPAV [redacted] FYI

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[redacted]

I agree that seal/release is a big portion. I also think that some offices may not know/understand its availability/use. [redacted] and I ran into some issues with NY recently because of some miscommunications about what the IPAVs specifically do and what should be in the affidavits/warrants. Some guidance would go a long way toward eliminating these "pissing matches" too.

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What do you think?

[redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Tuesday, August 07, 2007 9:23 AM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: RE: CIPAV [redacted] FYI

~~SENSITIVE BUT UNCLASSIFIED~~
~~NON-RECORD~~

[redacted]

[redacted]

Assistant General Counsel
Science and Technology Law Unit
Phone [redacted]
Cell phone [redacted]
Secure phone [redacted]
Fax [redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Tuesday, August 07, 2007 9:05 AM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: FW: CIPAV [redacted] FYI

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[redacted]

As CIPAVs are your baliwick now, I am passing this to you for discussions with [redacted]

Thanks

~~SECRET~~ [redacted]

~~SECRET~~

Acting Unit Chief
Science and Technology Law Unit
Office of the General Counsel
Federal Bureau of Investigation

Ph [redacted]
Cell [redacted]
Ph (Secure) [redacted]
Fax [redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Tuesday, August 07, 2007 8:36 AM
To: [redacted] (OGC) (FBI)
Subject: RE: CIPAV [redacted] FYI

~~**SENSITIVE BUT UNCLASSIFIED**~~
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[redacted]

Has OTD thought about issuing an EC/policy governing the use of IPAVs? This would probably be helpful for the field (to raise awareness and eliminate any miscommunications). I am trying to get Cyber to issue similar stuff.

[redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Tuesday, July 24, 2007 9:35 AM
To: [redacted]
Subject: FW: CIPAV [redacted] - FYI

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[redacted]

(S)
(S)

Assistant General Counsel
Science and Technology Law Unit
Office of the General Counsel
Federal Bureau of Investigation

Ph [redacted]
Cell [redacted]
Ph (Secure) [redacted]
Fax [redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Monday, July 23, 2007 11:38 AM
To: [redacted]
Cc: [redacted]
Subject: FW: CIPAV [redacted] FYI

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~~SENSITIVE BUT UNCLASSIFIED~~
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I assume you folks know of this—but just in case.

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

From: [redacted] (OGC) (FBI)
Sent: Wednesday, July 18, 2007 12:18 PM
To: [redacted]
Subject: CIPAV [redacted] FYI

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FBI's Secret Spyware Tracks Down Teen Who Made Bomb Threats

Wired.com

2:00 AM

By Kevin Poulsen

July 18, 2007

SEATTLE, WA -- FBI agents trying to track the source of e-mailed bomb threats against a Washington high school last month sent the suspect a secret surveillance program designed to surreptitiously monitor him and report back to a government server, according to an FBI affidavit obtained by Wired News.

The court filing offers the first public glimpse into the bureau's long-suspected spyware capability, in which the FBI adopts techniques more common to online criminals. The software was sent to the owner of an anonymous MySpace profile linked to bomb threats against Timberline High School near Seattle. The code led the FBI to 15-year-old Josh Glazebrook, a student at the school, who on Monday pleaded guilty to making bomb threats, identity theft and felony harassment. In an affidavit seeking a search warrant to use the software, filed last month in U.S. District Court in the Western District of Washington, FBI agent Norman Sanders describes the software as a "computer and internet protocol address

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verifier," or CIPAV.

FBI Spyware In A Nutshell

The full capabilities of the FBI's "computer and internet protocol address verifier" are closely guarded secrets, but here's some of the data the malware collects from a computer immediately after infiltrating it, according to a bureau affidavit acquired by Wired News.

- IP address
- MAC address of ethernet cards
- A list of open TCP and UDP ports
- A list of running programs • The operating system type, version and serial number
- The default internet browser and version
- The registered user of the operating system, and registered company name, if any
- The current logged-in user name
- The last visited URL

Once that data is gathered, the CIPAV begins secretly monitoring the computer's internet use, logging every IP address to which the machine connects. All that information is sent over the internet to an FBI computer in Virginia, likely located at the FBI's technical laboratory in Quantico. Sanders wrote that the spyware program gathers a wide range of information, including the computer's IP address; MAC address; open ports; a list of running programs; the operating system type, version and serial number; preferred internet browser and version; the computer's registered owner and registered company name; the current logged-in user name and the last-visited URL. The CIPAV then settles into a silent "pen register" mode, in which it lurks on the target computer and monitors its internet use, logging the IP address of every computer to which the machine connects for up to 60 days.

Under a ruling this month by the 9th U.S. Circuit Court of Appeals, such surveillance -- which does not capture the content of the communications -- can be conducted without a wiretap warrant, because internet users have no "reasonable

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expectation of privacy" in the data when using the internet. According to the affidavit, the CIPAV sends all the data it collects to a central FBI server located somewhere in eastern Virginia. The server's precise location wasn't specified, but previous FBI internet surveillance technology -- notably its Carnivore packet-sniffing hardware -- was developed and run out of the bureau's technology laboratory at the FBI Academy in Quantico, Virginia.

The FBI's national office referred an inquiry about the CIPAV to a spokeswoman for the FBI Laboratory in Quantico, who declined to comment on the technology. The FBI has been known to use PC-spying technology since at least 1999, when a court ruled the bureau could break into reputed mobster Nicodemo Scarfo's office to plant a covert keystroke logger on his computer. But it wasn't until 2001 that the FBI's plans to use hacker-style computer-intrusion techniques emerged in a report by MSNBC.com. The report described an FBI program called "Magic Lantern" that uses deceptive e-mail attachments and operating-system vulnerabilities to infiltrate a target system. The FBI later confirmed the program, and called it a "workbench project" that had not been deployed.

No cases have been publicly linked to such a capability until now, says David Sobel, a Washington, D.C., attorney with the Electronic Frontier Foundation. "It might just be that the defense lawyers are not sufficiently sophisticated to have their ears perk up when this methodology is revealed in a prosecution," says Sobel. "I think it's safe to say the use of such a technique raises novel and unresolved legal issues." The June affidavit doesn't reveal whether the CIPAV can be configured to monitor keystrokes, or to allow the FBI real-time access to the computer's hard drive, like typical Trojan malware used by computer criminals. It notes that the "commands, processes, capabilities and ... configuration" of the CIPAV is "classified as a law enforcement sensitive investigative technique, the disclosure of which would likely jeopardize other ongoing investigations and/or future use of the technique."

The document is also silent as to how the spyware infiltrates the target's computer. In the Washington case, the FBI delivered the program through MySpace's messaging system, which allows HTML and embedded images. The FBI might have simply tricked the suspect into downloading and opening

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an executable file, says Roger Thompson, CTO of security vendor Exploit Prevention Labs. But the bureau could also have exploited one of the legion of web browser vulnerabilities discovered by computer-security researchers and cybercrooks -- or even used one of its own. "It's quite possible the FBI knows about vulnerabilities that have not been disclosed to the rest of the world," says Thompson. "If they had discovered one, they would not have disclosed it, and that would be a great way to get stuff on people's computer. Then I guess they can bug whoever they want."

The FBI's 2008 budget request hints at the bureau's efforts in the hacking arena, including \$220,000 sought to "purchase highly specialized equipment and technical tools used for covert (and) overt search and seizure forensic operations.... This funding will allow the technology challenges (sic) including bypass, defeat or compromise of computer systems." With the FBI in the business of hacking, security companies are in a tight place. Thompson's LinkScanner product, for example, scans web pages for security exploits, and warns the customer if one is found. How would his company respond if the FBI asked him to turn a blind eye to CIPAV? He says he's never fielded such a request. "That would put us in a very difficult position," Thompson says. "I don't know what I'd say."

The Washington case unfolded May 30, when a handwritten bomb threat prompted the evacuation of Timberline High School in Lacey, Washington. No bomb was found. On June 4, a second bomb threat was e-mailed to the school from a Gmail account that had been newly created under the name of an innocent student. "I will be blowing up your school Monday, June 4, 2007," the message read. "There are 4 bombs planted throughout Timberline high school. One in the math hall, library hall, main office and one portable. The bombs will go off in 5 minute intervals at 9:15 AM." In addition, the message promised, "The e-mail server of your district will be offline starting at 8:45 am."

The author made good on the latter threat, and a denial-of-service attack smacked the North Thurston Public Schools computer network, generating a relatively modest 1 million packets an hour. Responding to the bomb threat, school administrators ordered an evacuation of the high school, but, once again, no explosives were found. That began a bizarre

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cat-and-mouse game between law enforcement and school officials and the ersatz cyberterrorist, who e-mailed a new hoax bomb threat every day for several days, each triggering a new evacuation. Each threat used the same pseudonym, but was sent from a different, newly created Gmail account to complicate tracing efforts.

On June 7, the hoaxer started issuing threats through other online mediums. In his most brazen move, he set up a MySpace profile called Timberlinebombinfo and sent friend requests to 33 classmates. The whole time he was daring law enforcement officials to trace him. "The e-mail was sent over a newly made Gmail account, from overseas in a foreign country," he wrote in one message. "Seeing as you're too stupid to trace the e-mail back lets (sic) get serious," he taunted in another. "Maybe you should hire Bill Gates to tell you that it is coming from Italy. HAHHAHA. Oh wait. I already told you that it's coming from Italy." As promised, attempts to trace the hoaxer dead-ended at a hacked server in Grumello del Monte, Italy.

The FBI's Seattle Division contacted the FBI legal attaché in Rome, who provided an official request to the Italian national police for assistance. But on June 12, perhaps fed up with the mocking, the FBI applied for and obtained a search warrant authorizing the bureau to send the CIPAV to the Timberlinebombinfo MySpace profile. Court documents reveal the search warrant was "executed" June 13 at 5:49 p.m. Though the CIPAV provided a wealth of information, Glazebrook's IP address would have been enough to guide the FBI to the teen's front door. John Sinclair, Glazebrook's attorney, says his client never intended to blow anything up -- "it was a prank from the get-go" -- but admits he hacked into computers in Italy to launder his activities, and that he launched the denial-of-service attack against the school district's network.

Glazebrook was sentenced Monday to 90 days in custody, and given credit for 32 days he's spent behind bars since his arrest. When he's released he'll be on two years' probation with internet and computer restrictions, and he's been expelled from high school. The teen is being held at the Thurston County Juvenile Detention Center, where he will serve out his sentence, says Sinclair. Sinclair says he was told that the FBI had tracked down his client in response to a request from local police -- but that he didn't know exactly how the bureau did it.

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"The prosecutor made it clear that they wouldn't indicate how this device works or how they do it," says Sinclair. "For obvious reasons." Larry Carr, a spokesman with the FBI's Seattle field office, couldn't confirm that the CIPAV is the same software previously known as Magic Lantern, but emphasized that the bureau's technological capabilities have grown since the 2001 report. The case shows that FBI scientists are equipped to handle internet threats, says Carr. "It sends a message that, if you're going to try and do stuff like this online, that we have the ability to track individuals' movements online and bring the case to resolution."

[Redacted]
Assistant General Counsel
OGC, Privacy & Civil Liberties Unit
Phone [Redacted]
Fax [Redacted]

b6
b7C
b2

**THE FOREGOING MAY BE A PRIVILEGED
FBI OGC COMMUNICATION AND SHOULD NOT BE
DISSEMINATED WITHOUT OGC APPROVAL**

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SENSITIVE BUT UNCLASSIFIED
SENSITIVE BUT UNCLASSIFIED
SENSITIVE BUT UNCLASSIFIED

~~SECRET~~

~~SECRET~~

[Redacted] (OTD) (CON)

From: DICLEMENTE, ANTHONY P. (OTD) (FBI)
Sent: Thursday, August 02, 2007 6:30 PM
To: [Redacted] (OGC) (FBI)
Subject: RE: Ping question

SECRET
RECORD 315N

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b2

Thanks [Redacted]

Anthony P. DiClemente
Chief, Data Acquisition and Intercept Section
Operational Technology Division

[Redacted]

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

From: [Redacted] (OGC) (FBI)
Sent: Thursday, August 02, 2007 5:17 PM
To: DICLEMENTE, ANTHONY P. (OTD) (FBI)
Subject: RE: Ping question

SECRET
RECORD 315N

Tony,

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She will be. We need her experience; her ideas; and her expertise.

[Redacted]

[Redacted]

Acting Unit Chief
Science and Technology Law Unit
Office of the General Counsel
Federal Bureau of Investigation

Ph [Redacted]
Cell [Redacted]
Ph (Secure) [Redacted]
Fax [Redacted]

DATE: 03-31-2009
CLASSIFIED BY 60322UC/LP/STP/gjg
REASON: 1.4 (C)
DECLASSIFY ON: 03-31-2034

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

From: ~~SECRET~~ DICLEMENTE, ANTHONY P. (OTD) (FBI)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

9/6/2007

~~SECRET~~

Sent: Thursday, August 02, 2007 4:56 PM

To: [Redacted]
[Redacted]

Subject: RE: Ping question

SECRET
RECORD 315N

[Redacted]

Given your knowledge with this specific issue, I would like to have you involved.

b6
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Anthony P. DiClemente
Chief, Data Acquisition and Intercept Section
Operational Technology Division

[Redacted]

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

From: [Redacted] (OGC) (FBI)
Sent: Thursday, August 02, 2007 4:49 PM
To: [Redacted]

Subject: RE: Ping question

SECRET
RECORD 315N

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[Redacted]

I'd be happy to stay involved in the efforts, particularly since I've worked with this issue and because any developments will no doubt impact the technical descriptions--which as you know I've also worked.

[Redacted]

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

From: [Redacted] (OGC) (FBI)
Sent: Thursday, August 02, 2007 3:41 PM
To: [Redacted]

Subject: RE: Ping question.

SECRET
RECORD 315N

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[Redacted]

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~~SECRET~~

[Redacted]

Acting Unit Chief
Science and Technology Law Unit
Office of the General Counsel
Federal Bureau of Investigation

b2
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Ph [Redacted]

Cell [Redacted]

Ph (Secure) [Redacted]

Fax [Redacted]

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

From: [Redacted] (OGC) (FBI)

Sent: Thursday, August 02, 2007 3:10 PM

To: [Redacted]

[Redacted]

Subject: RE: Ping question

SECRET
RECORD 315N

[Large Redacted Area]

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[Redacted]

**PRIVILEGED DELIBERATIVE DOCUMENT - NOT FOR DISCLOSURE
OUTSIDE THE FBI WITHOUT PRIOR OGC APPROVAL**

[Redacted]

Assistant General Counsel
Science & Technology Law Unit
Engineering Research Facility
Bldg. 27958A Room A-207B
Quantico, Va. 22135

b2
b6
b7C
b7E

Tel: [Redacted]
Fax: [Redacted]
Cell: [Redacted]

**SCIENCE & TECHNOLOGY LAW UNIT - OFFICE OF THE GENERAL
COUNSEL**

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

From: [Redacted] (OTD) (FBI)
Sent: Thursday, August 02, 2007 12:21 PM
To: [Redacted]

Subject: RE: Ping question

SECRET
RECORD 315N

b6
b7C

Thanks [Redacted]

[Redacted] I asked SSA [Redacted] to describe his ideas for a collection methods that might satisfy OGC/OIPR for your consideration.

[Redacted]

Unit Chief
Special Projects Technology Unit
Operational Technology Division

[Redacted]

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

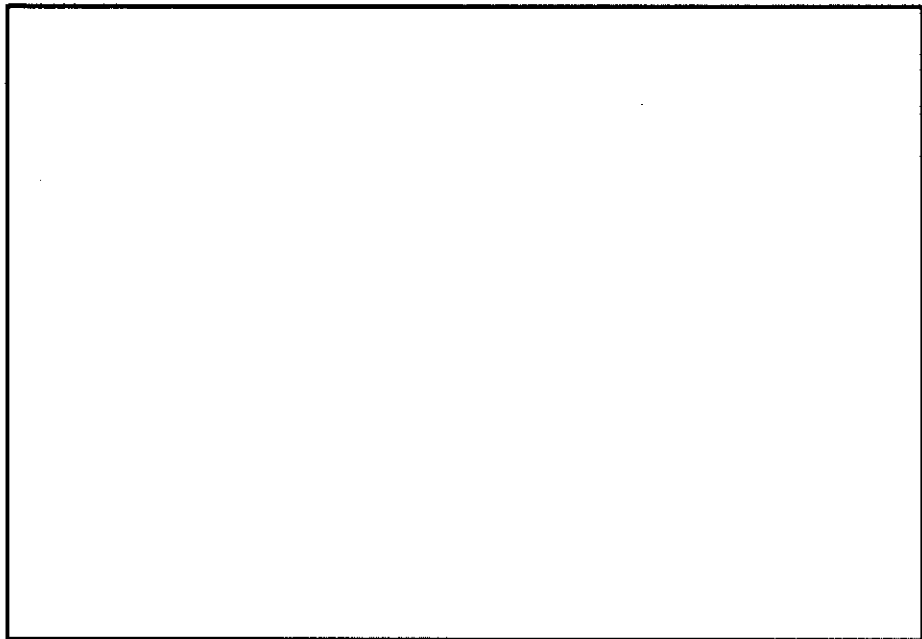
From: [Redacted] (OC) (FBI)
Sent: Thursday, August 02, 2007 12:06 PM
To: [Redacted] (OTD) (FBI)
Subject: RE: Ping question

SECRET
RECORD 315N

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Hi [Redacted] you read my mind, in that this was something I thought was important but didn't have time to complete before I left, so I was planning on sending it to you. Things have been very busy since I got here, so I'm

~~SECRET~~



(S)

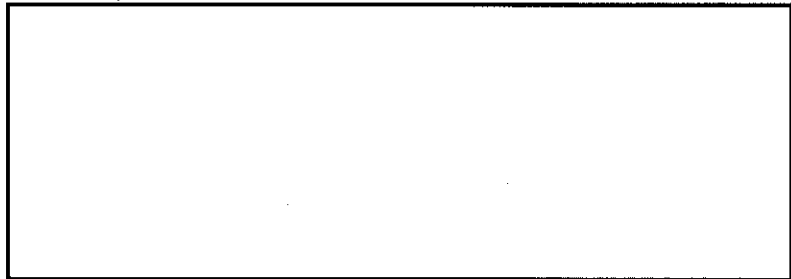
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-----Original Message-----

From: [redacted] (OTD) (FBI)
Sent: Thursday, August 02, 2007 7:40 AM
To: [redacted] (OC) (FBI)
Subject: FW: Ping question

SECRET
RECORD 315N

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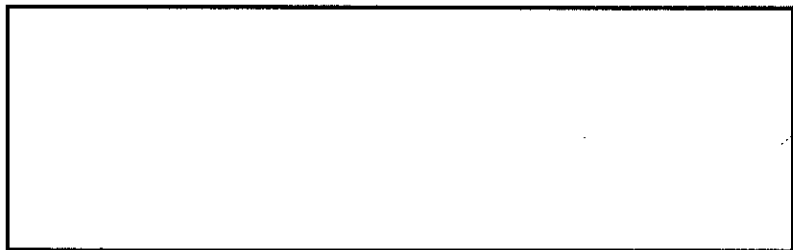


-----Original Message-----

From: DICLEMENTE, ANTHONY P. (OTD) (FBI)
Sent: Thursday, August 02, 2007 8:11 AM
To: [redacted] (OTD) (FBI); [redacted] (OTD) (FBI)
Subject: FW: Ping question

SECRET
RECORD 315N

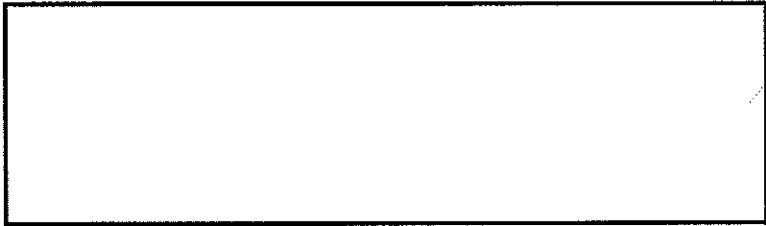
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Also, pls document these discussions in email.

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Anthony P. DiClemente
Chief, Data Acquisition and Intercept Section
Operational Technology Division

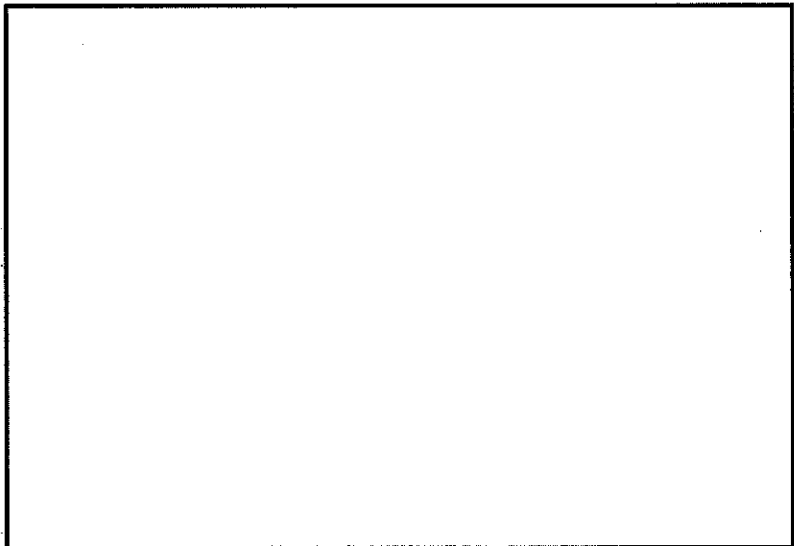


-----Original Message-----

From: [redacted] (OGC) (FBI)
Sent: Thursday, August 02, 2007 7:52 AM
To: DICLEMENTE, ANTHONY P. (OTD) (FBI); [redacted]
(OTD) (FBI)
Cc: [redacted]
Subject: RE: Ping question

SECRET
RECORD 315N

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

From: MOTTA, THOMAS GREGORY (OTD) (FBI)
Sent: Wednesday, August 01, 2007 5:48 PM
To: DICLEMENTE, ANTHONY P. (OTD) (FBI); [redacted]
(OTD) (FBI)
Cc: [redacted]
[redacted] (OGC) (FBI)
Subject: FW: Ping question

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SECRET
RECORD 315N

Recommend you monitor discussions with OIPR and CCIPS closely on this and document, document, document.

Thos. Gregory Motta
Section Chief, Digital Evidence Section (DES)
Operational Technology Division (OTD)
Engineering Research Facility
Bldg 27958A, Room A-207
Quantico, VA 22135

b6
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Tel. [Redacted]
Tel. [Redacted]
Fax [Redacted]

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

From: [Redacted] (OGC) (FBI)
Sent: Wednesday, August 01, 2007 6:43 PM
To: [Redacted]

[Redacted]

Subject: RE: Ping question

SECRET
RECORD 315N

[Redacted]

(S)
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[Redacted]
Assistant General Counsel
National Security Law Branch
Office of General Counsel FBI

[Redacted] Voice
[Redacted] Pager
[Redacted] Secure Fax
[Redacted] Fax

~~SECRET~~

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

From: [redacted] (OGC) (FBI)

Sent: Thursday, July 12, 2007 11:06 AM

To: [redacted]

[redacted]

Subject: RE: Ping question

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Thanks everyone. We will see if this issue can finally be worked out. More to follow.

[redacted]

(S)

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

From: [redacted] (OGC) (FBI)

Sent: Thursday, July 12, 2007 10:44 AM

To: MOTTA, THOMAS GREGORY (OTD) (FBI);

[redacted]

Subject: RE: Ping question

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[redacted]

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Assistant General Counsel
Science & Technology Law Unit
Engineering Research Facility
Bldg. 27958A Room A-207B
Quantico, Va. 22135

Tel
Fax
Cell

SCIENCE & TECHNOLOGY LAW UNIT - OFFICE OF THE GENERAL COUNSEL

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

From: MOTTA, THOMAS GREGORY (OTD) (FBI)

Sent: Thursday, July 12, 2007 10:06 AM

To:

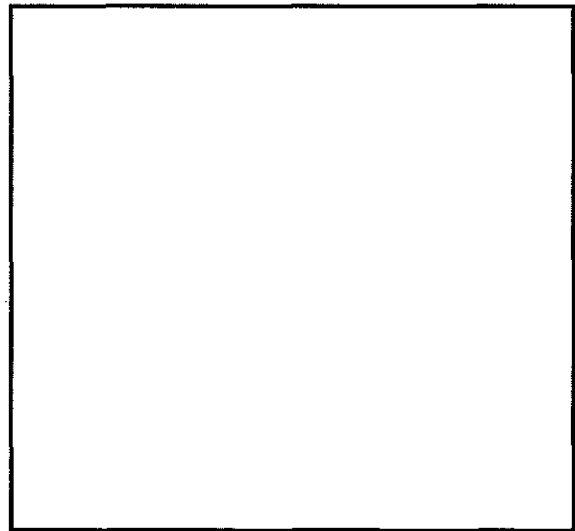


(FBI)

Subject: RE: Ping question

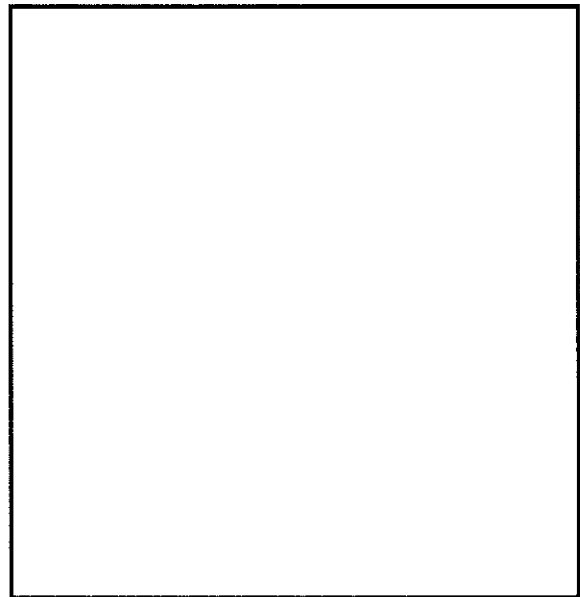
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RECORD 315N



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Thos. Gregory Motta
Section Chief, Digital Evidence
Section (DES)
Operational Technology Division
(OTD)
Engineering Research Facility
Bldg 27958A, Room A-207
Quantico, VA 22135

Tel [Redacted]
Tel [Redacted]
Fax [Redacted]

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

From: [Redacted] (OGC)
(FBI)

Sent: Wednesday, July 11, 2007 6:44
PM

To: MOTTA, THOMAS GREGORY

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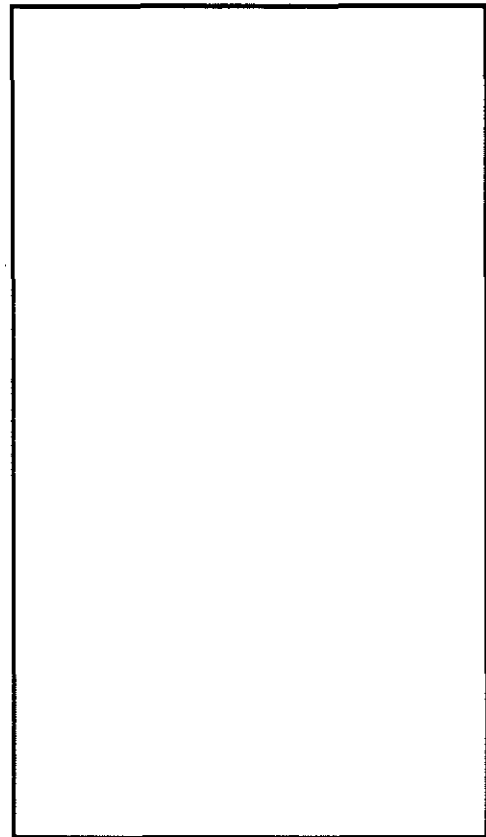
Subject: RE: Ping question

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RECORD 315N

All,

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

From: MOTTA, THOMAS GREGORY (OGC) (FBI)

Sent: Friday, September 30, 2005 7:02 PM

To: [Redacted]

[Redacted]

Subject: RE: Ping question

SECRET
RECORD 315N

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We know [Redacted] well.

[Redacted] please call [Redacted] monday. If I am available, I would like to sit in on the call.

Thanks [Redacted]

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DISCLOSURE OUTSIDE THE FBI
WITHOUT PRIOR OGC APPROVAL**

~~SECRET~~

~~SECRET~~

Thos. Gregory Motta
Associate General Counsel -
Unit Chief
Science & Technology Law
Unit
Engineering Research Facility
Bldg 27958A, Room A-207
Quantico, VA 22135
Tel. [Redacted]
Fax [Redacted]

b6
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-----Original Message-----

From: [Redacted]
 (OGC) (FBI)
Sent: Friday, September 30,
 2005 4:31 PM
To: [Redacted]

[Redacted]

Subject: FW: Ping question

SECRET
RECORD 315N

FYI--

[Redacted] do you know

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

From: [Redacted] (OGC)
 (OGA)
Sent: Friday, September 30,
 2005 4:17 PM
To: [Redacted] (OGC)
 (FBI)

Cc: [Redacted]
(OGC) (OGA)

Subject: Ping question

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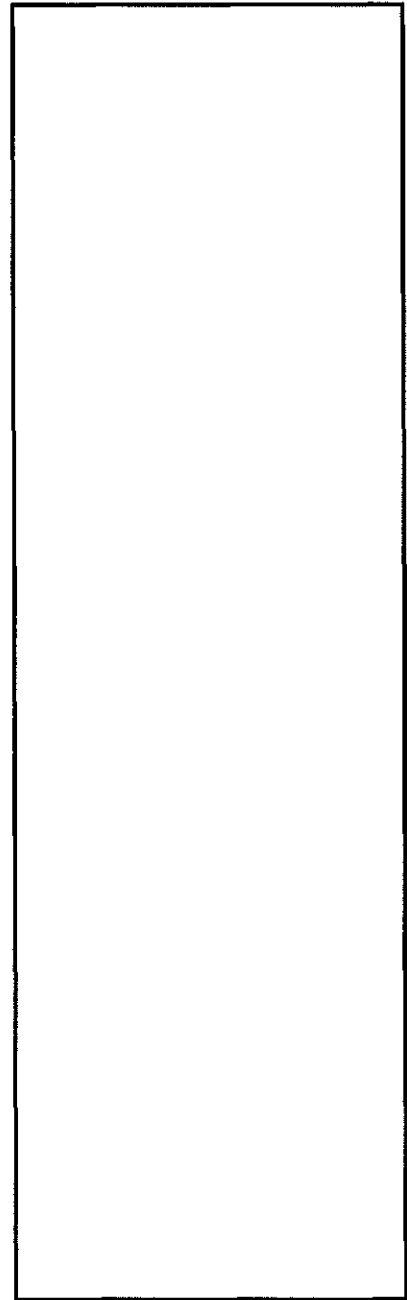
SECRET
RECORD 315N

[Redacted]

Thanks for your call. I've
 reconstructed my notes and e-
 mails about this from last year.
 The original proposed footnote
 for the technique description

[Redacted]

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

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

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Classification Guide G-3, dated 1/97,
Foreign Counterintelligence
Investigations
DECLASSIFICATION EXEMPTION 1
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Guide G-3, dated 1/97, Foreign
Counterintelligence Investigations
DECLASSIFICATION EXEMPTION 1
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3, dated 1/97, Foreign Counterintelligence
Investigations
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dated 1/97, Foreign Counterintelligence Investigations
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dated 1/97, Foreign Counterintelligence Investigations
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Foreign Counterintelligence Investigations
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DECLASSIFICATION EXEMPTION 1
SECRET

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

~~SECRET~~

[Redacted] (OTD) (CON)

From: [Redacted] (OGC) (FBI)
Sent: Thursday, August 02, 2007 5:16 PM
To: [Redacted] (OGC) (FBI)
Subject: RE: Ping question

SECRET
RECORD 315N

Absolutely. We need your ideas and your expertise.

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[Redacted]
Acting Unit Chief
Science and Technology Law Unit
Office of the General Counsel
Federal Bureau of Investigation
Ph [Redacted]
Cel [Redacted]
Ph (Secure) [Redacted]
Fax [Redacted]

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

From: [Redacted] (OGC) (FBI)
Sent: Thursday, August 02, 2007 4:49 PM
To: [Redacted]
[Redacted]

Subject: RE: Ping question

SECRET
RECORD 315N

[Redacted]

b6
b7C

I'd be happy to stay involved in the efforts, particularly since I've worked with this issue and because any developments will no doubt impact the technical descriptions---which as you know I've also worked.

[Redacted]

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

From: [Redacted] (OGC) (FBI)
Sent: Thursday, August 02, 2007 3:41 PM
To: [Redacted]
[Redacted]

Subject: RE: Ping question

~~SECRET~~

9/6/2007

DATE: 04-03-2009
CLASSIFIED BY 60322UC/LP/STP/gjg
REASON: 1.4 (C)
DECLASSIFY ON: 04-03-2034

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HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

[Redacted] (OTD) (CON)

From: [Redacted] (OGC) (FBI)
Sent: Thursday, August 02, 2007 4:35 PM
To: [Redacted] (OGC) (FBI)
Subject: FW: Ping question

SECRET
RECORD 315N

[Redacted]

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[Redacted]
Acting Unit Chief
Science and Technology Law Unit
Office of the General Counsel
Federal Bureau of Investigation
Ph [Redacted]
Cel [Redacted]
Ph (Secure) [Redacted]
Fax [Redacted]

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

From: [Redacted] (OTD) (FBI)
Sent: Thursday, August 02, 2007 1:21 PM
To: [Redacted]; DICLEMENTE, ANTHONY P. (OTD) (FBI); [Redacted]

[Redacted]

Subject: RE: Ping question

SECRET
RECORD 315N

b6
b7C

Thanks [Redacted]

[Redacted] I asked SSA [Redacted] to describe his ideas for a collection methods that might satisfy OGC/OIPR for your consideration.

DATE: 04-03-2009
CLASSIFIED BY 60322UC/LP/STP/gjg
REASON: 1.4 (C)
DECLASSIFY ON: 04-03-2034

[Redacted]
Unit Chief

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

9/6/2007

~~SECRET~~

[Redacted] (OTD) (CON)

From: [Redacted] (OGC) (FBI)
Sent: Thursday, August 02, 2007 4:30 PM
To: [Redacted] (OTD) (FBI)
Subject: RE: Ping question

SECRET
RECORD 315N

Thanks [Redacted] I'll ask [Redacted] to set up a meeting with NSLB [Redacted] so that we can discuss this matter. The ideas provided by [Redacted] below, are new to me and probably to most of us. So we need to work with them and convince ourselves that they will work as predicted before we attempt to convince OIPR and the FISC. We may need technical support during our meeting.

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[Redacted]

Acting Unit Chief
Science and Technology Law Unit
Office of the General Counsel
Federal Bureau of Investigation
Ph [Redacted]
Cell [Redacted]
Ph (Secure) [Redacted]
Fax [Redacted]

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

From: [Redacted] (OTD) (FBI)
Sent: Thursday, August 02, 2007 1:21 PM
To: [Redacted]

Subject: RE: Ping question

SECRET
RECORD 315N

Thanks [Redacted]

[Redacted] I asked SSA [Redacted] to describe his ideas for a collection methods that might satisfy OGC/OIPR for your consideration.

b6
b7C

[Redacted]
Unit Chief
Special Projects Technology Unit
Operational Technology Division
[Redacted]

DATE: 04-03-2009
CLASSIFIED BY 60322UC/LP/STP/gjg
REASON: 1.4 (C)
DECLASSIFY ON: 04-03-2034

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

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

[Redacted] OTD) (CON)

From: DICLEMENTE, ANTHONY P. (OTD) (FBI)

Sent: Thursday, August 02, 2007 7:49 AM

To: MOTTA, THOMAS GREGORY (OTD) (FBI); [Redacted]

Cc: [Redacted]

Subject: RE: Ping question

SECRET
RECORD 315N

Absolutely!

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b7C
b2

Anthony P. DiClemente
Chief, Data Acquisition and Intercept Section
Operational Technology Division

[Redacted]

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

From: MOTTA, THOMAS GREGORY (OTD) (FBI)

Sent: Wednesday, August 01, 2007 6:48 PM

To: DICLEMENTE, ANTHONY P. (OTD) (FBI); [Redacted]

Cc: [Redacted]

Subject: FW: Ping question

SECRET
RECORD 315N

Recommend you monitor discussions with OIPR and CCIPS closely on this and document, document, document.

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Thos. Gregory Motta
Section Chief, Digital Evidence Section (DES)
Operational Technology Division (OTD)
Engineering Research Facility
Bldg 27958A, Room A-207
Quantico, VA 22135

Tel [Redacted]
Tel [Redacted]
Fax [Redacted]

DATE: 04-03-2009
CLASSIFIED BY 60322UC/LP/STP/gjg
REASON: 1.4 (C)
DECLASSIFY ON: 04-03-2034

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

From: [Redacted] (OGC) (FBI)

Sent: Wednesday, August 01, 2007 6:43 PM

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

[redacted] (OTD) (CON)

From: [redacted] (OGC) (FBI)
Sent: Friday, July 27, 2007 4:59 PM
To: [redacted] (OTD) (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: FW: Urgent FOIA Request - Deadline - Friday, August 3, 2007

Importance: High

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted]

I want to clear up any misconceptions you have about [redacted] and my role here. We are here to provide you with legal advice concerning Science and Technology matters. Also, [redacted] is my backup for CEAU and my other units, just as I am his backup for his units in his absence. It is improper for you to send general "taskers" to either one of us, and particularly to [redacted] if I am here.

b2
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b7C

[redacted]
Assistant General Counsel
Science and Technology Law Unit
Phone: [redacted]
Cell phone: [redacted]
Secure phone: [redacted]
Fax: [redacted]

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

From: [redacted] (OTD) (CON)
Sent: Friday, July 27, 2007 4:45 PM
To: [redacted]
Subject: FW: Urgent FOIA Request - Deadline - Friday, August 3, 2007
Importance: High

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

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Good Afternoon,

Per a request from CEAU UC [redacted] he wanted you both to review the Urgent FOIA request below. If you have any questions, please contact me at the below numbers.

v/r,
[redacted]

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

From: [redacted] (OTD) (CON)
Sent: Thursday, July 26, 2007 2:06 PM
To: [redacted]

[Large redacted area]

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Cc: [redacted] (OTD) (CON)
Subject: Urgent FOIA Request - Deadline - Friday, August 3, 2007
Importance: High

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Good Afternoon,

Per UC [redacted] please provide hard copies of ALL documentation, to include e-mails, concerning CIPAV Technology. All information is to be turned in by COB Friday, August 3rd, 2007. Additionally, it is requested that you please put all documents in chronological order. If I am not in the office that day, please take your documents to [redacted]

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b7c
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Thanks,

[redacted]

Management Assistant
Operational Technology Division (OTD)
Cryptologic and Electronic Analysis Unit (CEAU)

[redacted] (Chantilly)
[redacted] (Quantico)
[redacted] (Cell)

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

[redacted] (OTD) (CON)

From: [redacted] (OGC) (FBI)
Sent: Friday, July 27, 2007 4:56 PM
To: [redacted]
Cc: [redacted]
Subject: RE: Urgent FOIA Request - Deadline - Friday, August 3, 2007

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

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There is nothing to review in your e-mail to the unit concerning the Urgent FOIA request. In fact, if there was a copy of the FOIA attached, there would be nothing for us to review. When a FOIA request goes out from HQ, the persons receiving the request must gather all responsive documents, note any concerns they have about the release of those documents, and send it to the person that sent the request. The FBI has a FOIA unit that, in conjunction with the FOIA Litigation Unit of OGC, reviews what is submitted to them to determine what will be released and what we will claim an exception for.

[redacted]
Assistant General Counsel
Science and Technology Law Unit
Phone [redacted]
Cell phone [redacted]
Secure phone [redacted]
Fax [redacted]

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

From: [redacted] (OTD) (CON)
Sent: Friday, July 27, 2007 4:45 PM
To: [redacted]
Subject: FW: Urgent FOIA Request - Deadline - Friday, August 3, 2007
Importance: High

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

b6
b7c

Good Afternoon,

Per a request from CEAU UC [redacted] he wanted you both to review the Urgent FOIA request below. If you have any questions, please contact me at the below numbers.

v/r,

[redacted]

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

From: [redacted]
Sent: Thursday, July 26, 2007 2:06 PM
To: [redacted]

Cc: [redacted]
Subject: Urgent FOIA Request - Deadline - Friday, August 3, 2007

[redacted] (OTD) (CON)

From: [redacted] (OGC) (FBI)
Sent: Tuesday, July 24, 2007 9:36 AM
To: [redacted] (OGC)-(FBI)
Subject: RE: CIPAV/Magic Lantern news blurb - FYI

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

It definitely was not a hit here at CEAU. My understanding is that the Field Office is investigating the leak.

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b7C

[redacted]
Assistant General Counsel
Science and Technology Law Unit
Office of the General Counsel
Federal Bureau of Investigation
Ph - [redacted]
Cell [redacted]
Ph (Secure) [redacted]
Fax [redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Monday, July 23, 2007 12:14 PM
To: [redacted]
Cc: [redacted]
Subject: RE: CIPAV/Magic Lantern news blurb - FYI

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

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b7C

Apparently, this was a big hit on wired.com.

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

From: [redacted] (OGC) (FBI)
Sent: Monday, July 23, 2007 12:11 PM
To: [redacted]
Cc: [redacted]
Subject: FW: CIPAV/Magic Lantern news blurb - FYI

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted]
Just FYI.

b6
b7C

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

From: [redacted] (OGC) (FBI)
Sent: Monday, July 23, 2007 11:38 AM
To: [redacted]
Cc: [redacted]
Subject: FW: CIPAV/Magic Lantern news blurb - FYI

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[Redacted]

(OTD) (CON)

From: [Redacted] (OGC)-(FBI)
Sent: Tuesday, July 24, 2007 9:31 AM
To: [Redacted]
Cc:
Subject: RE: CIPAV/Magic Lantern news blurb - FYI

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

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[Redacted]

[Redacted]
Assistant General Counsel
Science and Technology Law Unit
Office of the General Counsel
Federal Bureau of Investigation
Ph [Redacted]
Cel [Redacted]
Ph (Secure) [Redacted]
Fax [Redacted]

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

From: [Redacted] (OGC) (FBI)
Sent: Monday, July 23, 2007 11:38 AM
To: [Redacted]
Cc:
Subject: FW: CIPAV/Magic Lantern news blurb - FYI

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

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I assume you folks know of this--but just in case.

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

From: [Redacted] (OGC) (FBI)
Sent: Wednesday, July 18, 2007 12:18 PM
To: [Redacted]
Subject: CIPAV/Magic Lantern news blurb - FYI

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

FBI's Secret Spyware Tracks Down Teen Who Made Bomb Threats

Wired.com

2:00 AM

[redacted] (OTD) (CON)

From: [redacted] (OGC) (FBI)
Sent: Monday, July 23, 2007 9:53 AM
To: DICLEMENTE, ANTHONY P. (OTD) (FBI)
Cc: [redacted]
Subject: FW: Ping question

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~~SECRET~~
RECORD 315N

Tony,

here's a status update. [redacted]
-----Original Message-----

From: [redacted] (OGC) (FBI)
Sent: Monday, July 23, 2007 8:33 AM
To: [redacted] (OGC) (FBI)
Subject: RE: Ping question

~~SECRET~~
RECORD 315N

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[redacted]

[redacted] are going to re-submit the December 2005 memo (which you provided to me) to NSD for action. It will be submitted to DAAG [redacted]. They want to let the "new management" take a look at it.

Steve

-----Original Message-----
From: [redacted] (OGC) (FBI)
Sent: Friday, July 20, 2007 11:45 AM
To: [redacted]
Subject: RE: Ping question

~~SECRET~~
RECORD 315N

[redacted]

SC DiClemente has asked that I track this issue, please advise of status.

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b7C

thanks,

PRIVILEGED DELIBERATIVE DOCUMENT - NOT FOR DISCLOSURE OUTSIDE THE FBI WITHOUT PRIOR OGC APPROVAL

[redacted]
Assistant General Counsel
Science & Technology Law Unit
Engineering Research Facility
Bldg. 27958A Room A-207B

Quantico, Va. 22135

Tel: [redacted]
Fax: [redacted]
Cell: [redacted]

SCIENCE & TECHNOLOGY LAW UNIT - OFFICE OF THE GENERAL COUNSEL

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

From: [redacted] (OGC) (FBI)
Sent: Thursday, July 12, 2007 3:34 PM
To: [redacted] (OGC) (FBI)
Subject: RE: Ping question

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~~SECRET~~
~~RECORD 315N~~

[redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Thursday, July 12, 2007 12:08 PM
To: [redacted] (OGC) (FBI)
Subject: RE: Ping question

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~~SECRET~~
~~RECORD 315N~~

correct, and attached is a pdf copy--

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

From: [redacted] (OGC) (FBI)
Sent: Thursday, July 12, 2007 11:06 AM
To: [redacted]; MOTTA, THOMAS GREGORY (OTD) (FBI); [redacted]

[redacted]

Subject: RE: Ping question

~~SECRET~~
~~RECORD 315N~~

Thanks everyone. We will see if this issue can finally be worked out. More to follow.

[redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Thursday, July 12, 2007 10:44 AM
To: MOTTA, THOMAS GREGORY (OTD) (FBI); [redacted]

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[redacted] (OTD) (CON)

From: [redacted] (OGC) (FBI)
Sent: Wednesday, July 18, 2007 11:07 AM
To: [redacted]
Cc: [redacted]
Subject: FW: OTD

UNCLASSIFIED
NON-RECORD

[redacted]

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I got your phone message from yesterday afternoon. It is my understanding that you were able to get the review you needed from [redacted] on his blackberry. If that is not the case, let me know.

[redacted]

Assistant General Counsel
Science and Technology Law Unit
Phone: [redacted]
Cell phone: [redacted]
Secure phone: [redacted]
Fax: [redacted]

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

From: [redacted] (OTD) (FBI)
Sent: Tuesday, July 17, 2007 3:29 PM
To: [redacted]
Cc: [redacted]
Subject: FW: OTD

UNCLASSIFIED
NON-RECORD

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FYI.

[redacted]

Operational Technology Division
Data Acquisition and Intercept Section
Cryptologic and Electronic Analysis Unit
Software Development Group

[redacted] (desk)
[redacted] (cell)
[redacted] (fax-unclass)

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

From: [redacted] (CyD) (FBI)
Sent: Tuesday, July 17, 2007 3:10 PM
To: [redacted] (OTD) (FBI)
Subject: FW: OTD

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UNCLASSIFIED
NON-RECORD

fyi

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

From: [redacted] OGC (FBI)
Sent: Tuesday, July 17, 2007 3:02 PM
To: [redacted]
Cc: [redacted]
Subject: RE: OTD

UNCLASSIFIED
NON-RECORD

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[redacted]

Just got of the phone with A/SSA [redacted] of NY. It appears that SDNY is going to amend the SW application to include language that OTD (and the law) requires. They just want to get OGC approval of a draft when it is done. I have coordinated that with AGC's [redacted] and [redacted] of my Unit, who are both assigned to OTD. [redacted] is en route to Portland, but should be reachable by blackberry. He is the primary attorney. This should hopefully be done by later today.

[redacted]

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

From: [redacted] (CyD) (FBI)
Sent: Tuesday, July 17, 2007 1:40 PM
To: [redacted]
Cc: [redacted]
Subject: RE: OTD

UNCLASSIFIED
NON-RECORD

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Good job. This is very clear, and I hope NYO can straighten this out with SDNY. Thanks, [redacted]

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

From: [redacted] (CyD) (FBI)
Sent: Tuesday, July 17, 2007 12:20 PM
To: [redacted]
Cc: [redacted]
Subject: OTD

UNCLASSIFIED
NON-RECORD

[redacted]
We have spoken with OTD regarding the tool. [redacted]

[redacted]
[redacted] We have offered to obtain that letter for SDNY. The NY ASAC as well as the A/SSA and SA have all been briefed that we are speaking from OTD, OGC, and Cyber perspective. The option would be for the SDNY to either amend the search warrant or issue the letter. NY has advised that they will share this information to the SDNY and if they needed to have a representative from OGC on the call again [redacted] will be present to reiterate what [redacted] has already provided regarding this matter. NY will advise regarding the outcome of the call with the SDNY.

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[Redacted] (OGC) (FBI)

From: [Redacted] (OTD) (FBI)
Sent: Monday, July 16, 2007 4:35 PM
To: [Redacted]
Cc: [Redacted]
Subject: RE: Re [Redacted]

~~SENSITIVE BUT UNCLASSIFIED~~
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I think we have a problem.

[Redacted]

Information Technology Specialist
Operational Technology Division
Office [Redacted]
Mobile [Redacted]
Pager [Redacted]

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

From: [Redacted] (OGC) (FBI)
Sent: Monday, July 16, 2007 4:33 PM
To: [Redacted]
Cc: [Redacted]
Subject: [Redacted]

~~SENSITIVE BUT UNCLASSIFIED~~
~~NON-RECORD~~

[Redacted]

(S)

Assistant General Counsel
Science and Technology Law Unit
Office of the General Counsel
Federal Bureau of Investigation

Ph [Redacted]
Cell [Redacted]
Ph (Secure) [Redacted]
Fax [Redacted]

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

From: [Redacted] (OTD) (FBI)
Sent: Monday, July 16, 2007 4:30 PM
To: [Redacted]
Cc: [Redacted]
Subject: [Redacted]

DATE: 04-08-2009
CLASSIFIED BY 60322UC/LP/STP/gjg
REASON: 1.4 (C)
DECLASSIFY ON: 04-08-2034

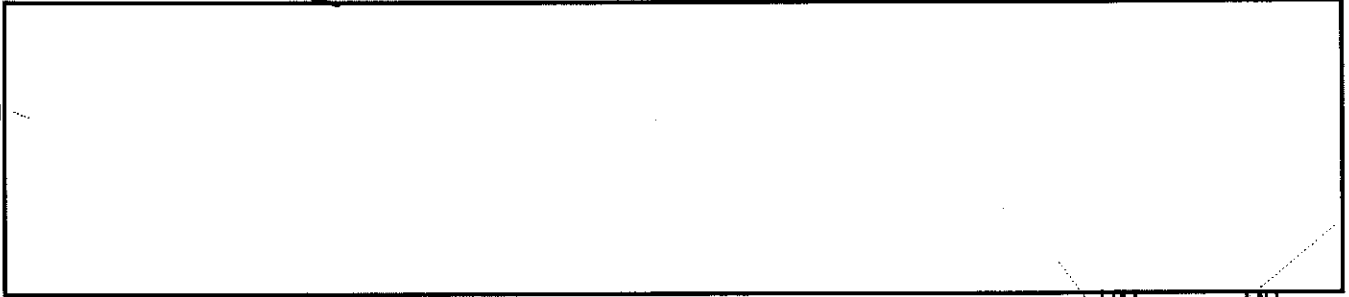
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~~NON-RECORD~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

~~SECRET~~

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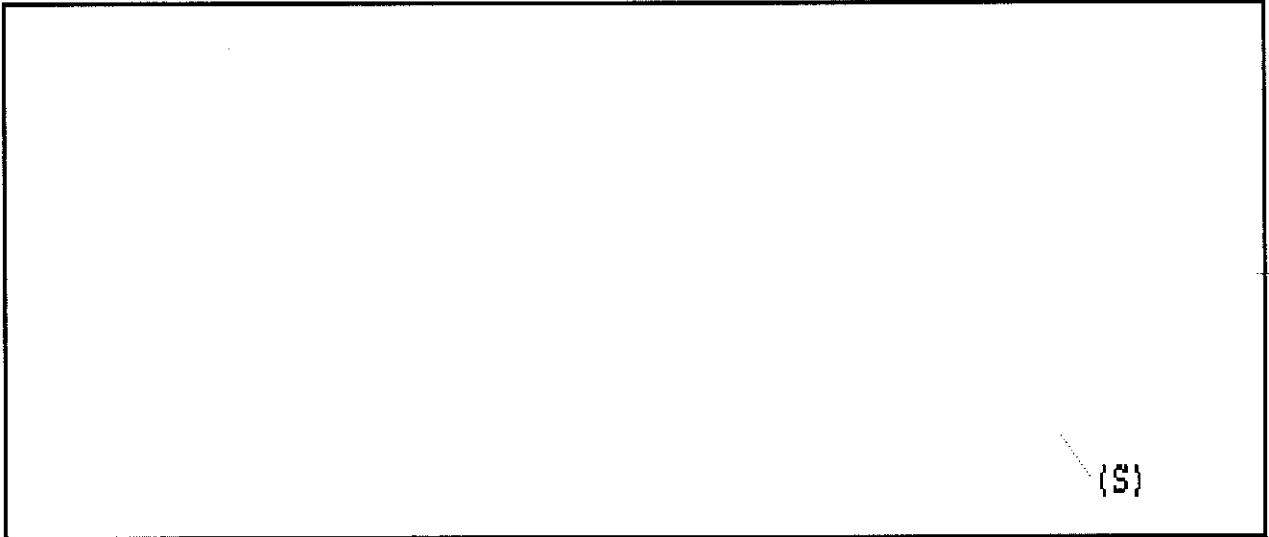
Information Technology Specialist
Operational Technology Division
Office
Mobile
Pager



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

From: [redacted] OGC (FBI)
Sent: Monday, July 16, 2007 3:52 PM
To: [redacted]
Cc: [redacted]
Subject: (FBI) [redacted]

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(S)

Assistant General Counsel
Science and Technology Law Unit
Office of the General Counsel
Federal Bureau of Investigation
Ph - [redacted]
Cell - [redacted]
Ph (Secure) - [redacted]
Fax - [redacted]

~~SENSITIVE BUT UNCLASSIFIED~~

~~SECRET~~

[Redacted] (OTD) (CON)

From: [Redacted] (OGC) (FBI)
Sent: Monday, July 16, 2007 4:13 PM
To: [Redacted]
Subject: [Redacted]

~~SENSITIVE BUT UNCLASSIFIED~~
~~NON-RECORD~~

[Redacted]

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For your information.

[Redacted]
Assistant General Counsel
Science and Technology Law Unit
Office of the General Counsel
Federal Bureau of Investigation
Ph [Redacted]
Cel [Redacted]
Ph (Secure) [Redacted]
Fax [Redacted]

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

From: [Redacted] (OTD) (FBI)
Sent: Monday, July 16, 2007 4:01 PM
To: [Redacted]
Cc: [Redacted]
Subject: [Redacted]

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~~NON-RECORD~~

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288K-NY-297675

[Redacted]

(S)

[Redacted]
Information Technology Specialist
Operational Technology Division
Office [Redacted]
Mobile [Redacted]
Pager [Redacted]

DATE: 04-08-2009
CLASSIFIED BY 60322UC/LP/STP/gjg
REASON: 1.4 (C)
DECLASSIFY ON: 04-08-2034

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

From: [Redacted] (OGC) (FBI)
Sent: Monday, July 16, 2007 3:52 PM
To: [Redacted]
Cc: [Redacted]
Subject: [Redacted]

~~SECRET~~

[Redacted] (OTD) (CON)

From: [Redacted] (OGC) (FBI)

Sent: Thursday, July 12, 2007 11:33 AM

To: [Redacted]
Cc: [Redacted]

Subject: RE: Ping question

~~SECRET~~
~~RECORD 315N~~

Certainly. We have a huge stake in this matter and will carry the issue to CCIPS. I'll coordinate this with [Redacted]

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[Redacted]
Assistant General Counsel
Science and Technology Law Unit
Office of the General Counsel
Federal Bureau of Investigation
Ph [Redacted]
Cell [Redacted]
Ph (Secure) [Redacted]
Fax [Redacted]

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

From: [Redacted] (OGC) (FBI)

Sent: Thursday, July 12, 2007 11:30 AM

To: [Redacted]

Cc: [Redacted]

Subject: RE: Ping question

~~SECRET~~
~~RECORD 315N~~

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[Redacted]

I was not planning to go to CCIPS. If we deem it necessary to go back to them, I hope that the two of you (or whomever is appropriate) would help with that aspect of this mission. This goes beyond my area of expertise.

Thanks.

[Redacted]

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

From: [Redacted] (OGC) (FBI)

Sent: Thursday, July 12, 2007 11:27 AM

To: [Redacted]

Cc: [Redacted]

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b7C

[redacted] (OTD) (CON)

From: [redacted] (SD) (FBI)
Sent: Friday, January 20, 2006 8:51 AM
To: [redacted]
Cc:
Subject: [redacted]

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~~SECRET//ORCON,NOFORN~~
RECORD fisa



[redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Thursday, January 19, 2006 4:34 PM
To: [redacted] (OGC) (FBI)
Subject: [redacted]

~~SECRET//ORCON,NOFORN~~
RECORD fisa

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[redacted]

Could you forward the final electronic copy to all of us?

Thanks

[redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Thursday, January 19, 2006 4:14 PM
To: [redacted]
Cc:
Subject: [redacted]

~~SECRET//ORCON,NOFORN~~
RECORD fisa

Sorry for being slow in getting through all my e-mails but [redacted] had the final copy that we signed off. Maybe he could forward it electronically to all of us. Thanks.

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

From: [redacted] (OGC) (FBI)
Sent: Tuesday, January 17, 2006 5:22 PM
To: [redacted]
Cc:
Subject: [redacted]

~~SECRET//ORCON,NOFORN~~
RECORD fisa

The memo on this topic went over on Dec. 21 signed by both [redacted] and myself. We have heard nothing more about it. We will put it on the never ending list of topics to discuss with OIPR. [redacted] do you have a copy of the memo we sent out to provide to [redacted] If not, I will forward one directly to [redacted]

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Thanks

[redacted]

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

From: [redacted] (OTD) (FBI)
Sent: Tuesday, January 17, 2006 5:12 PM
To: [redacted]
Cc: [redacted]
Subject: [redacted]

~~SECRET~~
RECORD 268-HQ

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Hi [redacted]

[redacted]

If I recall, a legal analysis was forward to OIPR, but I don't know if there was a response from them.

I want to guard against OIPR demanding that we sequester [redacted] for lack of a better term, if/when the next quick reaction deployment occurs.

At a minimum, I would like to get a copy of the legal analysis to point to if this boils over again.

Thank you,

[redacted]

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

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

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

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

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

~~SECRET~~

[redacted] (OTD) (CON)

From: [redacted] (OGC) (FBI)
Sent: Tuesday, October 11, 2005 11:54 AM
To: [redacted] (OTD) (FBI)
Cc: [redacted] (OC) (FBI)
Subject: RE: [redacted]

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SECRET
RECORD OIPR FISA

Thanks. I just had a phone conversation with [redacted] went over the below, and he (because of his travel the week) has agreed to schedule time next week to discuss with [redacted] me and another guy in CCIPS [redacted] [redacted] and move this forward. will keep you posted...

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

From: [redacted] (OTD) (FBI)
Sent: Tuesday, October 11, 2005 11:20 AM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (ITD) (FBI)
Subject: RE: [redacted]

SECRET
RECORD OIPR FISA

[redacted]

I don't see where anything in your e-mail to [redacted] rises to the Secret level. I think it is fine for external e-mail.

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[Large redacted area]

(S)

(S)

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

From: [redacted] (OGC) (FBI)
Sent: Tuesday, October 11, 2005 8:49 AM
To: [redacted]
Subject: [redacted]

DATE: 04-03-2009
CLASSIFIED BY 60322UC/LP/STP/gjg
REASON: 1.4 (C)
DECLASSIFY ON: 04-03-2034

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

SECRET
RECORD OIPR FISA

[Redacted]

Please review the below for classification, if possible, I would ideally like to be to send this to CCIPS via Internet email, today if possible--because [Redacted] is leaving today (Tuesday 10/11) out-of-country for a week+. Also if you have anything to add to the below, please do so.

CCIPS is asking that we frame the issue, for example, they ask what the circumstances surrounding

[Redacted]

thanks,

[Redacted]

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

From: [Redacted] (OGC) (FBI)
Sent: Tuesday, October 04, 2005 11:24 AM
To: [Redacted]; MOTTA, THOMAS GREGORY (OGC) (FBI)
Subject: RE: [Redacted]

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SECRET
RECORD OIPR FISA

CCIPs cancelled for today: But here's a summary of where we are on this issue:

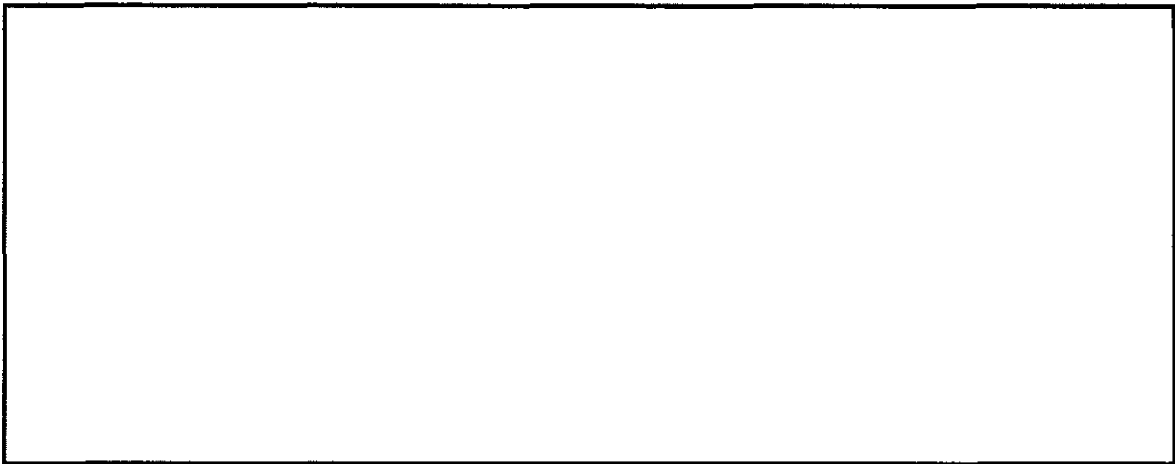
[Redacted] called and [Redacted] is out today, so we need to reschedule. He will let us know when [Redacted] is back. [Redacted] will also call [Redacted] to let him know the discussions are underway.

[Large Redacted Area]

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~~SECRET~~



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

From: [redacted] (OGC) (FBI)
Sent: Tuesday, October 04, 2005 9:57 AM
To: [redacted]
Cc: MOTTA, THOMAS GREGORY (OGC) (FBI); [redacted]

Subject: RE: [redacted]

SECRET
RECORD OIPR FISA

[redacted] - I gave [redacted] a heads-up that this was happening last week. She agrees with the premise that we should be able [redacted] and I think [redacted] and I are speaking with CCIPS this afternoon as this "precedent" will negatively impact what we do on the criminal side. [redacted] (with whom I worked on the descriptions) was also going to speak with CCIPS and then we were going to raise the matter with [redacted] I will give you a call this afternoon after we talk with CCIPS. thanks. [redacted]

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

From: [redacted] (OTD) (FBI)
Sent: Monday, October 03, 2005 5:25 PM
To: [redacted]
Cc: MOTTA, THOMAS GREGORY (OGC) (FBI); [redacted]

Subject: FW: [redacted]

SECRET
RECORD OIPR FISA

[redacted]

Should we call a meeting with OIPR on this? How did your discussion go with [redacted] [redacted] last week on this topic?

[redacted]
[redacted] I'm not sure what information OIPR is talking about. I feel like we are being steamrolled on this one.

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

From: [redacted] (ITD) (FBI)
Sent: Monday, October 03, 2005 12:59 PM

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To: [redacted] (OTD) (FBI)
Subject: FW: [redacted]

SECRET
RECORD OIPR FISA

[redacted]

It seems complying sets a bad precedent - [redacted]

[redacted]

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[redacted]

[redacted]

Can you offer guidance on how to respond to this request?

[redacted]

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

From: [redacted] (OGC)(OGA)
Sent: Monday, October 03, 2005 10:57 AM
To: [redacted]
Cc: [redacted]
Subject: RE: [redacted]

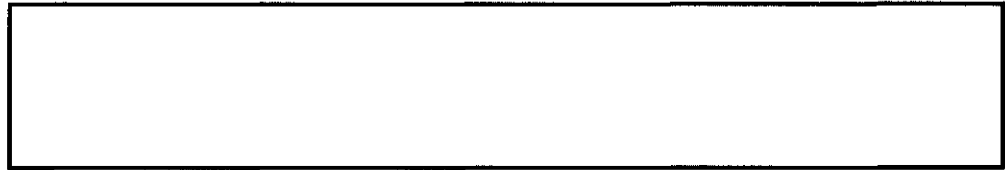
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SECRET
RECORD OIPR FISA

[redacted]

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OIPR

DERIVED FROM: Multiple Sources
DECLASSIFICATION EXEMPTION 1
SECRET

DERIVED FROM: Multiple Sources
DECLASSIFICATION EXEMPTION 1
SECRET

DERIVED FROM: Multiple Sources
DECLASSIFICATION EXEMPTION 1
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DERIVED FROM: Multiple Sources
DECLASSIFICATION EXEMPTION 1
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[redacted] OTD) (CON)

From: [redacted] (OGC) (FBI)
Sent: Wednesday, June 20, 2007 4:24 PM
To: [redacted] (OGC) (FBI)
Subject: Question

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted]

Since we won't overlap this week (I'm on leave on Friday), I wanted to get your thoughts on a question I received from SA [redacted] of Seattle. Here are the facts:

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[Large redacted area]

(S)

[redacted]
Assistant General Counsel
Science and Technology Law Unit
Phone [redacted]
Secure phone [redacted]
Fax [redacted]

SENSITIVE BUT UNCLASSIFIED

DATE: 04-08-2009
CLASSIFIED BY 60322UC/LP/STP/gjg
REASON: 1.4 (C)
DECLASSIFY ON: 04-08-2034

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

[redacted] (OTD) (CON)

From: [redacted] (OGC) (FBI)
Sent: Tuesday, June 12, 2007 3:51 PM
To: [redacted]
Subject: RE: [redacted]

UNCLASSIFIED
NON-RECORD

[redacted]
CEAU is the unit to whom [redacted] was referring. They handle the IPAV and related tools. I will let [redacted] an SSA in that unit discuss the technical ends with you. From the legal prospective, what you need depends on the type of case.

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[redacted]
hope this helps. If not, let me know.

[redacted]
Assistant General Counsel
Science and Technology Law Unit
Phone: [redacted]
Secure phone [redacted]
Fax [redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Tuesday, June 12, 2007 3:43 PM
To: [redacted]
Subject: [redacted]

UNCLASSIFIED
NON-RECORD

[redacted]

I've forwarded you to the Attorney supporting the IPAV expert. They will assist you.

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[redacted]
Assistant General Counsel
Science and Technology Law Unit
Office of the General Counsel
Federal Bureau of Investigation
Ph [redacted]
Cell [redacted]
Ph (Secure) [redacted]
Fax [redacted]

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

From: [redacted] (CE) (FBI)
Sent: Tuesday, June 12, 2007 11:48 AM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (CE) (FBI)

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Subject: [REDACTED]

UNCLASSIFIED
NON-RECORD

[REDACTED]

My CDC, [REDACTED] gave me your name to contact regarding [REDACTED]
[REDACTED] Specifically I was wondering what authority is needed
to use the tool; I am new to this side of the house and am looking for some guidance.
Any help you can provide will be appreciated.

Thanks --- [REDACTED]

UNCLASSIFIED

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UNCLASSIFIED

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[Redacted] (OTD) (CON)

From: [Redacted] (OGC) (FBI)
Sent: Monday, June 11, 2007 1:51 PM
To: MOTTA, THOMAS GREGORY (OTD) (FBI)
Subject: RE: UR5214/SE/THREAT INVESTIGATION

UNCLASSIFIED
NON-RECORD

[Redacted]

[Redacted]

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[Redacted]

Assistant General Counsel
Science and Technology Law Unit
Office of the General Counsel
Federal Bureau of Investigation

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Ph [Redacted]
Cell [Redacted]
Ph (Secure) [Redacted]
Fax [Redacted]

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

From: MOTTA, THOMAS GREGORY (OTD) (FBI)
Sent: Friday, June 08, 2007 9:17 AM
To: [Redacted]
Cc: [Redacted]
Subject: FW: UR5214/SE/THREAT INVESTIGATION

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[Redacted] DICLEMENTE, ANTHONY P. (OTD) (FBI) [Redacted]

(OS) (FBI)

UNCLASSIFIED
NON-RECORD

I believe that CIPAVs are now deployed by DITU. I forward this to ensure that this is brought to their attention and the attention of the relevant elements of OGC who are now counsel to that unit.

Thos. Gregory Motta
Section Chief, Digital Evidence Section (DES)
Operational Technology Division (OTD)
Engineering Research Facility
Bldg 27958A, Room A-207
Quantico, VA 22135

Tel. [Redacted]
Tel. [Redacted]
Fax [Redacted]

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

From: [Redacted] (PG) (FBI)

Sent: Friday, June 08, 2007 12:38 AM
To: [redacted] MOTTA, THOMAS GREGORY (OTD) (FBI)
Subject: FW: UR5214/SE/THREAT INVESTIGATION

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NON-RECORD

UNCLASSIFIED
NON-RECORD

Being forwarded for your information is Urgent Report 5214 from FBI-Seattle regarding email bomb threats.

SSA [redacted]
[redacted]

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

From: [redacted] (SE) (FBI)
Sent: Thursday, June 07, 2007 11:46 PM
To: FBI_URGENT REPORTS
Cc: SE All Supervisors
Subject: UNSUB TIMBERLINE HIGH SCHOOL - VICTIM, COMPUTER INTRUSION - THREAT; 288A-SE-93709

UNCLASSIFIED
NON-RECORD

Please see the attached Urgent Report. If you have any questions, please feel free to contact me.

[redacted]

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<< File: 158brf02.ec >>

[redacted]
A/ASAC Seattle Division
SSA - Squad 5
Gang/Criminal Enterprise Program;
Organized Crime Program;
Violent Crimes Program;
Desk [redacted]
NEXTEL [redacted]

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