

b2/b4



**From:** "Rice, K (Intelligence)" [redacted]@SSCI.senate.gov>

**To:** [redacted]

**Date:** Thursday, May 08, 2008 10:09AM

**Subject:** FW: press - Chris Strom piece on FISA

Note the comment toward the end in reference to Bond.

**From:** Russell, J (Intelligence)  
**Sent:** Thursday, May 08, 2008 10:08 AM  
**To:** Tucker, L (Intelligence); Rice, K (Intelligence); Livingston, J (Intelligence); Johnson, K (Intelligence)  
**Subject:** press - Chris Strom piece on FISA

# Rockefeller Floats Proposal To Break Impasse Over FISA

Thu. May 8, 2008

Lawmakers and aides described significant developments Wednesday in negotiations on revisions to the Foreign Intelligence Surveillance Act, but some congressional sources cautioned that a final deal could remain elusive.

Behind-the-scenes negotiations appeared to take on urgency after Senate Intelligence Chairman **John (Jay) Rockefeller** floated a proposal Tuesday that his spokeswoman described as "the best area of compromise" after weeks of talks with Democrats and Republicans from both chambers, the White House, Justice Department and Director of National Intelligence **Mike McConnell**.

"He took the input from all of the stakeholders and put forward a compromise that reflected all of their input," the spokeswoman said of Rockefeller. She would not discuss any details.

Other aides said Rockefeller met with McConnell Wednesday to discuss the proposal.

Across Capitol Hill, House Intelligence Chairman **Silvestre Reyes** said he believed a final deal could be reached by the Memorial Day recess.

"I think we've got 90 percent of it done," he said. "I think there's a compromise position."

Reyes said the telecom firms have been given proposed legislative language to review. "The key is the telecoms," he said.

He said the language would require a court to determine whether telecommunications companies should be granted immunity from lawsuits arising from their cooperation with the Bush administration's warrantless electronic surveillance activities since the Sept. 11, 2001, terrorist attacks.

It has not been determined whether the cases would be heard in federal district court or before the secret FISA

Out of Scope

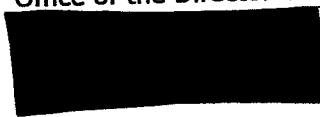


**From:** [Redacted]  
**Sent:** Monday, November 26, 2007 7:06 PM  
**To:** [Redacted]@ssci.senate.gov; [Redacted] John.Demers@usdoj.gov; "Benjamin Powell"; [Redacted] "John Eisenberg"; "Matthew Olsen"; [Redacted]@ssci.senate.gov;  
**CC:** [Redacted] "Brian Benczkowski"; [Redacted]@ssci.senate.gov; [Redacted]@ssci.senate.gov; [Redacted]@ssci.senate.gov  
**Subject:** RE: Confirming Meeting on Tues, Nov 27, 1-4 pm ref FISA S.2248-Update ref Attendance and Clearances

ba/bc

Mike: I will ensure the ODNI, NSA, and DoJ folks are aware. Thanks.

Pls see below for update for tomorrow's meeting.  
 Kathleen Turner  
 Director of Legislative Affairs  
 Office of the Director of National Intelligence



-----"Davidson, M (Intelligence)" <[Redacted]@ssci.senate.gov> wrote: -----

**To:** [Redacted]  
**From:** "Davidson, M (Intelligence)" <[Redacted]@ssci.senate.gov>  
**Date:** 11/26/2007 07:02PM  
**cc:** <[Redacted] "Brian Benczkowski" <[Redacted]@ssci.senate.gov>, [Redacted] "Healey, C (Intelligence)" <[Redacted]@ssci.senate.gov>, "Livingston, J (Intelligence)" <[Redacted]@ssci.senate.gov>, "Rice, K (Intelligence)" <[Redacted]@ssci.senate.gov>, "Starzak, Alissa (Intelligence)" <[Redacted]@ssci.senate.gov>  
**Subject:** RE: Confirming Meeting on Tues, Nov 27, 1-4 pm ref FISA S.2248

Kathleen:

At tomorrow's meeting, Ron Weich, the Majority Leader's Chief Counsel, and John Abegg, the Minority Leader's Legal Counsel, will be joining us. I don't know what John's clearances are, but Ron has not yet gone through that process.

The participation of Ron and John is important in providing the Leaders with insights into the issues that will be

b2/bb



court, Reyes said.

Some Democrats, such as Rep. **Jane Harman**, D-Calif., want to ensure that the final deal empowers the court to conduct a thorough review of the cases. "There is certainly some forward motion, which is better than no motion or backward motion," she said.

"I think if we can find a way forward on a bipartisan basis to modernize FISA and to find a process for the court to review telecom conduct then we can get to a deal," Harman added. "In order for this to fly we have to have either a veto proof margin in both chambers or presidential buy in."

Other sources cautioned that problems remain.

"There is a feeling that there could be a problem with some of the members in our Caucus," said one House Democratic aide, referring to Rockefeller's proposal.

Rep. **Rush Holt**, D-N.J., a member of the House Intelligence Committee, added, "I'm told that there's a compromise taking shape [but] from what I've heard, there may be movement in the wrong direction."

In addition, several Senate Republicans, such as Senate Intelligence ranking member **Christopher (Kit) Bond** do not support the Rockefeller proposal, a Senate GOP aide said. "We don't think there is 90 percent, or even 50 percent agreement; there is zero agreement from us," the aide said in an e-mail response.

Meanwhile, Senate Republicans are still waiting for **House Majority Leader Hoyer** to present his own offer of a compromise.

Lawmakers have been stymied for weeks trying to reach a deal on FISA legislation that can overcome the deep split over the immunity issue and demands, mainly from Democrats, that the rights of U.S. citizens be protected. About 40 lawsuits have been filed against the companies and President Bush has insisted he will veto any bill that fails to shield the companies from civil liability.

And pressure on Hoyer from the Blue Dog Coalition appears to be growing.

Sources said the Blue Dogs are threatening to use obstructionist tactics to force a Senate-passed FISA bill to the House floor for a vote if Hoyer does not strike a satisfactory agreement by the Memorial Day recess.

This would align the Blue Dogs with House Republicans, who prefer the Senate bill because it includes legal immunity for the telecom firms. A Republican-backed discharge petition was filed last month in the House, and GOP leaders have been working hard to persuade Blue Dogs to help bring the bill to a vote.

by **Chris Strohm** and **Christian Bourge**

b2/b6

From: [REDACTED]  
To: [REDACTED]


Date: Monday, September 17, 2007 04:08PM  
Subject: Fw: (no subject)

Pls fwd to kevin asap

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

From: Ben Powell [REDACTED]  
Sent: 09/17/2007 04:06 PM  
To: [REDACTED]  
Subject: (no subject)

latest Levin response. cleared by FBI, CLPO, and DOJ/OLC. Gettign to NSA and DOJ/NSD to clear. not final to go yet.

 <u>Revised Ltr to Levin with FISA</u> <u>Unclassified DRAFT [9-17-07] (v2, with CLPOand OLC cmts).doc</u>	<b>Type:</b> application/msword <b>Name:</b> Revised Ltr to Levin with FISA Unclassified DRAFT [9-17-07] (v2, with CLPOand OLC cmts).doc
--	--

Attachments:

Revised Ltr to Levin with FISA Unclassified DRAFT [9-17-07] (v2, with CLPOand OLC cmts).doc

[REDACTED]

2/2/04

the subject of floor consideration. It will be good, therefore, to have an initial part of the meeting on an unclassified basis, and then move to a classified discussion as needed, or move in and out of an unclassified discussion as makes sense according to the topic.

Please share this with the ODNI/NSA/DOJ participants. Of course, the main objective is to have a meeting in which everyone feels that he/she has a full opportunity to offer the necessary comments. I'm sure that we'll be able to put together the right mix of classified and unclassified discussion.

Mike

---

**From:** [REDACTED]  
**Sent:** Monday, November 19, 2007 4:42 PM  
**To:** Davidson, M (Intelligence); Healey, C (Intelligence); Livingston, J (Intelligence); Rice, K (Intelligence); Starzak, Alissa (Intelligence)  
**Cc:** [REDACTED] Brian Benczkowski; [REDACTED]  
**Subject:** Confirming Meeting on Tues, Nov 27, 1-4 pm ref FISA S.2248

Mike and Jack: I wanted to confirm with you the meeting for next Tuesday, Nov 27, in your spaces, for the afternoon, 1-4 pm works for our team, to address outstanding issues on S.2248 that we have and that the Congress has. We have the lawyers from ODNI, DoJ, and NSA locked in to participate. Let me know this is confirmed for you; I think we'll need the Hearing room as we have about 10-11 folks on our side slated to attend. Thanks and have a great holiday!

Kathleen Turner  
Director of Legislative Affairs  
Office of the Director of National Intelligence

[REDACTED]

**From:** [REDACTED]

**To:** "Mike Davidson" [REDACTED]@ssci.senate.gov>

**cc:** "Jack Livingston" [REDACTED]@ssci.senate.gov>, "Christine Healey"  
[REDACTED]@ssci.senate.gov>, "Alissa Starzak" [REDACTED]@ssci.senate.gov>, "K  
Rice" [REDACTED]@ssci.senate.gov>, [REDACTED]

**Date:** Sunday, February 24, 2008 12:43PM

**Subject:** Re: Update

Mike -- We can meet at 10am tomorrow (monday) if that works for folks. Someone from doj will probably join me, but that is it, so it will be small. Everyone is aware of all the positions and issues on the bill, need/no need for conference, negotiation, etc., so won't repeat them here.

Will try to get something arranged on the post-expiration events.

As for the olc/nsd opinion question, I will defer to doj on what they have expressed formal views on. But a few things to note--docs done last weekend for outside folks of course represent the AG's formal view. And we have noted in public that we think we have strong claim in some areas (new targets), far less strong in other areas (new directive?).

But whatever those views, something is clear to us: the view of the AG on expiration issues is necessary, but not sufficient. What does that mean? That means that private execs and their counsel are concerned about their company and the whole set of concerns that goes along with that (suits, brand impact, stock price, etc.). And of course, litigation between us to get a final answer is not a very good option for many reasons. Last week shows that however confident we are in the best reading of the law and how clear it is, the views of the critical players (who are going to be very risk averse at this point) may not match our assessment.

Let me know if tomorrow morn works.

Ben

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

**From:** "Davidson, M (Intelligence)" [REDACTED]@ssci.senate.gov]

**Sent:** 02/23/2008 11:04 AM EST

**To:** [REDACTED]

**Cc:** "Livingston, J (Intelligence)" <[REDACTED]@ssci.senate.gov>; "Healey, C (Intelligence)" <[REDACTED]@ssci.senate.gov>; "Starzak, Alissa (Intelligence)" <[REDACTED]@ssci.senate.gov>; "Rice, K (Intelligence)" <[REDACTED]@ssci.senate.gov>; [REDACTED]

**Subject:** Re: Update

h2/b6



**From:** [Redacted]  
**To:** "K Rice" [Redacted] @ssci.senate.gov>

**Date:** Saturday, February 23, 2008 06:24PM  
**Subject:** Fw: Update

Fyi

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

**From:** [Redacted]  
**Sent:** 02/23/2008 05:18 PM EST  
**To:** "Jack Livingston" <[Redacted]@ssci.senate.gov>  
**Subject:** Fw: Update

I don't think it is appropriate for me to decline this but wanted to give you a heads up before responding.

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

**From:** "Davidson, M (Intelligence)" [Redacted]@ssci.senate.gov]  
**Sent:** 02/23/2008 11:04 AM EST  
**To:** [Redacted]  
**Cc:** "Livingston, J (Intelligence)" <[Redacted]@ssci.senate.gov>; "Healey, C (Intelligence)" <[Redacted]@ssci.senate.gov>; "Starzak, Alissa (Intelligence)" <[Redacted]@ssci.senate.gov>; "Rice, K (Intelligence)" <[Redacted]@ssci.senate.gov>; [Redacted]  
**Subject:** Re: Update

Ben,

Thanks for the morning update.

I hope we can find a time, in the early part of the week, that you might be able to come by to talk about the next several weeks, a conversation that I hope Jack will join.

I won't bet the ranch, but I suspect, given how the Congress tends to work, that there's a good chance that a bill is presented to the President by the end of the three weeks before the next recess.

The sooner we can make last week a bygone and engage in a bicameral process that is bipartisan, with active ODNI/NSA/DOJ participation, the better.

Separately, following up on your exchange with Chris yesterday, we should arrange for an early-in-the-week briefing for interested staff here on PAA events that preceded and

bd/bv



Ben,

Thanks for the morning update.

I hope we can find a time, in the early part of the week, that you might be able to come by to talk about the next several weeks, a conversation that I hope Jack will join.

I won't bet the ranch, but I suspect, given how the Congress tends to work, that there's a good chance that a bill is presented to the President by the end of the three weeks before the next recess.

The sooner we can make last week a bygone and engage in a bicameral process that is bipartisan, with active ODNI/NSA/DOJ participation, the better.

Separately, following up on your exchange with Chris yesterday, we should arrange for an early-in-the-week briefing for interested staff here on PAA events that preceded and followed the letter.

In connection with that, has OLC (or NSD) opined, by memorandum or letter, on the various post sunset issues concerning the PAA (liability, enforceability, new targets)?

And looking ahead -- not that I imagine that anyone of us will actually be worrying about any of this then -- to the 2013 (or 2011, or 2009) sunset of the FISA Amendments, has there been anything in this sunset experience that points to a need to review any transition details in Title III (e.g., on new targets, enforcement)?

Mike

-----  
Sent from my BlackBerry Wireless Handheld

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

From: [Redacted]  
To: Davidson, M (Intelligence); Livingston, J (Intelligence); Jeremy Bash [Redacted]@mail.house.gov>; Chris Donesa <[Redacted]@mail.house.gov>; Healey, C (Intelligence)  
Cc: [Redacted] John Demers <John.Demers@usdoj.gov>  
Sent: Sat Feb 23 09:31:34 2008  
Subject: Re: Update

Yes, process started last night, hope something out today.

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

From: "Davidson, M (Intelligence)" [Redacted]@ssci.senate.gov]  
Sent: 02/22/2008 11:41 PM EST  
To: [Redacted] "Livingston, J (Intelligence)" <[Redacted]@ssci.senate.gov>; [Redacted]@mail.house.gov>; [Redacted]@mail.house.gov>; Healey, C (Intelligence)" <[Redacted]@ssci.senate.gov>



b2/b6

Cc: [REDACTED] <John.Demers@usdoj.gov>  
Subject: Re: Update

Ben,

Thanks for the update.

Given the sending of the letter to Chairman Reyes (copies to Chairman Rockefeller, Ranking Member Hoekstra, and Vice Chairman Bond), which I assume the press has, I think it is imperative that there now will be a prompt public assurance.

Hope that the ODNI will do that as quickly as possible.

Mike

-----  
Sent from my BlackBerry Wireless Handheld

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

From: [REDACTED]  
To: Davidson, M (Intelligence); Livingston, J (Intelligence); Jeremy Bash  
[REDACTED]@mail.house.gov>; Chris Doneso <[REDACTED]@mail.house.gov>; Healey,  
C (Intelligence)  
Cc: [REDACTED] John Demers <John.Demers@usdoj.gov>  
Sent: Fri Feb 22 21:41:14 2008  
Subject: Update

This evening the remaining provider who was not cooperating with new taskings informed us they would cooperate. We were informed after the letter was sent.

We are working to implement immediately. Will keep you updated.

Do not know if there will be a release issued by us, a letter, etc.

b2/b6

followed the letter.

In connection with that, has OLC (or NSD) opined, by memorandum or letter, on the various post sunset issues concerning the PAA (liability, enforceability, new targets)?

And looking ahead -- not that I imagine that anyone of us will actually be worrying about any of this then -- to the 2013 (or 2011, or 2009) sunset of the FISA Amendments, has there been anything in this sunset experience that points to a need to review any transition details in Title III (e.g., on new targets, enforcement)?

Mike

-----  
Sent from my BlackBerry Wireless Handheld

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

From: [REDACTED]  
To: Davidson, M (Intelligence); Livingston, J (Intelligence); Jeremy Bash <[REDACTED]@mail.house.gov>; Chris Donesa <[REDACTED]@mail.house.gov>; Healey, C (Intelligence)  
Cc: [REDACTED]  
[REDACTED] John Demers <John.Demers@usdoj.gov>  
Sent: Sat Feb 23 09:31:34 2008  
Subject: Re: Update

Yes, process started last night, hope something out today.

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

From: "Davidson, M (Intelligence)" <[REDACTED]@ssci.senate.gov>  
Sent: 02/22/2008 11:41 PM EST  
To: [REDACTED] "Livingston, J (Intelligence)" <[REDACTED]@ssci.senate.gov>; [REDACTED] <[REDACTED]@mail.house.gov>; [REDACTED] <[REDACTED]@mail.house.gov>; "Healey, C (Intelligence)" <[REDACTED]@ssci.senate.gov>  
Cc: [REDACTED] <John.Demers@usdoj.gov>  
Subject: Re: Update

Ben,

Thanks for the update.

Given the sending of the letter to Chairman Reyes (copies to Chairman Rockefeller, Ranking Member Hoekstra, and Vice Chairman Bond), which I assume the press has, I think it is imperative that there now will be a prompt public assurance.

Hope that the ODNI will do that as quickly as possible.

6/30/2008 5:21 PM

b2/b6

Mike

-----  
Sent from my BlackBerry Wireless Handheld

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

From: [REDACTED]  
To: Davidson, M. (Intelligence); Livingston, J (Intelligence); Jeremy Bash  
[REDACTED]@mail.house.gov>; Chris Doneso <[REDACTED]@mail.house.gov>; Healey,  
C (Intelligence)  
Cc: [REDACTED]

[REDACTED] John Demers <John.Demers@usdoj.gov>

Sent: Fri Feb 22 21:41:14 2008

Subject: Update

This evening the remaining provider who was not cooperating with new taskings informed us they would cooperate. We were informed after the letter was sent.

We are working to implement immediately. Will keep you updated.

Do not know if there will be a release issued by us, a letter, etc.

ba/bv

[REDACTED]

From:

To: "Mike Davidson" <[REDACTED]@ssci.senate.gov>, "Brett Gerry" <Brett.Gerry@usdoj.gov>, "John Eisenberg" <John.Eisenberg@usdoj.gov>, "Wito Potenza (work)" <[REDACTED]>, "Carl Nichols" <Carl.Nichols@usdoj.gov>, "Matthew \ (NSD) Olsen" <Matthew.Olsen@usdoj.gov>, "John Demers" <John.Demers@usdoj.gov>

cc:

"Jack Livingston" <[REDACTED]@ssci.senate.gov>, "Christine Healey" <[REDACTED]@ssci.senate.gov>, "K Rice" <[REDACTED]@ssci.senate.gov>, "Starzak, Alissa (Intelligence)" <[REDACTED]@ssci.senate.gov>

[REDACTED]

bcc:

Date: Tuesday, November 13, 2007 10:29PM

Subject: Re: FISA

Thanks Mike. We will check on schedules and see what works. Happy to proceed however committee sees fit, and would welcome Mary/Nick.

Very unclear to me what will come out of SJC and our initial read of some of the proposals is that they may miss the mark by a wide margin.

I think we have identified some discrete issues with s2248, but have worked hard to get many of the more significant items correct as a matter of policy and precise drafting. I hope we don't end up reopening s2248 in a frenetic drafting exercise as that may not turn out well for anyone.

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

From: "Davidson, M (Intelligence)" <[REDACTED]@ssci.senate.gov>  
Sent: 11/13/2007 06:37 PM EST  
To: [REDACTED]; Gerry, Brett (OLP)" <Brett.Gerry@usdoj.gov>; <John.Eisenberg@usdoj.gov>; Potenza, Vito" <[REDACTED]>; <Carl.Nichols@usdoj.gov>; [REDACTED]; <Matthew.Olsen@usdoj.gov>; <John.Demers@usdoj.gov>  
Cc: Livingston, J (Intelligence)" <[REDACTED]@ssci.senate.gov>; Healey, C (Intelligence)" <[REDACTED]@ssci.senate.gov>; Rice, K (Intelligence)" <[REDACTED]@ssci.senate.gov>; Starzak, Alissa (Intelligence)" <[REDACTED]@ssci.senate.gov>  
Subject: FISA

It's been such a long time that I've written to everyone that I'm not sure if I've forgotten someone.

The week after Thanksgiving, during which the Senate will be in recess (as will the House),

ba/bb

would be a good time to gather again and take stock of where we are in advance of what should be a fast paced several weeks of session in December which will, we hope, include floor consideration of S. 2248.

There are undoubtedly ideas that DNI/DOJ/NSA might have in relation to amendments during our markup, there will be amendments or potential amendments coming out of the Judiciary Committee's consideration of the bill, and there may be suggestions from elsewhere (such as those David Kris has written about).

A question here is whether the Chairman and Vice Chairman will be proposing a managers amendment that addresses some of those matters.

Will you be in town and available? For starters in thinking of a day and time, how would Tuesday, November 27, either morning or afternoon work for everyone? I expect that we'll find that after an initial discussion we'll need to reconvene later in the week.

I'd like to involve Mary DeRosa (Leahy) and Nick Rossi (Specter) in these discussions. The Leadership will be expecting, I'm sure, that there will be an effort by the two committees to either bridge differences or at least identify and refine the choices that may be put before the Senate for votes.

At some point, it would be helpful for us to ask David Kris to come by to discuss his suggestions. That could be for a part of the Tuesday, November 27, discussion, or another time.

Please let us know whether that Tuesday, or another day that week, would work for you, and any ideas you might have about how we might proceed.

And a most happy Thanksgiving.

Mike

b2/b4

**From:** [REDACTED]  
**To:** "Mike Davidson" [REDACTED]@ssci.senate.gov>  
**cc:** "Brett Gerry" <Brett.Gerry@usdoj.gov>, "John Eisenberg"  
<John.Eisenberg@usdoj.gov>, "Jack Livingston"  
[REDACTED]@ssci.senate.gov>, "K Rice" <[REDACTED]@ssci.senate.gov>,  
"Starzak, Alissa (Intelligence)" <[REDACTED]@ssci.senate.gov>, "Christine Healey"  
<[REDACTED]@ssci.senate.gov>, "Carl Nichols" <Carl.Nichols@usdoj.gov>

**Date:** Tuesday, October 09, 2007 11:39PM  
**Subject:** Re: new drafts

Great, thanks.

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

**From:** "Davidson, M (Intelligence)" [REDACTED]@ssci.senate.gov]  
**Sent:** 10/09/2007 09:26 PM AST  
**To:** [REDACTED]  
**Cc:** <Brett.Gerry@usdoj.gov>; <John.Eisenberg@usdoj.gov>; Livingston, J  
(Intelligence)" <[REDACTED]@ssci.senate.gov>; Rice, K (Intelligence)"  
[REDACTED]@ssci.senate.gov>; Starzak, Alissa (Intelligence)"  
[REDACTED]@ssci.senate.gov>; Healey, C (Intelligence)"  
[REDACTED]@ssci.senate.gov>; <Carl.Nichols@usdoj.gov>  
**Subject:** Re: new drafts

Vito and Patrick will be most welcome.

-----  
Sent from my BlackBerry Wireless Handheld

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

**From:** Ben Powell [REDACTED]  
**To:** Davidson, M (Intelligence)  
**Cc:** Gerry, Brett (OLP) <Brett.Gerry@usdoj.gov>; Eisenberg, John  
<John.Eisenberg@usdoj.gov>; Livingston, J (Intelligence); Rice, K (Intelligence); Starzak,  
Alissa (Intelligence); Healey, C (Intelligence); Nichols, Carl (CIV) <Carl.Nichols@usdoj.gov>  
**Sent:** Tue Oct 09 20:54:27 2007  
**Subject:** Re: new drafts

See you at 1pm. Would like to have Vito/Patrick join us given how short  
the deadlines are and want to make sure we do not overlook a critical  
issue. Let me know if that is a problem. may need a few extra chairs.

Davidson, M (Intelligence) wrote:

>Yes, let's start at 1 pm.  
>

ba/bv



>Ben and Carl -- does that work for you as well?

>  
>Mike

>-----Original Message-----

>From: Gerry, Brett (OLP) [mailto:Brett.Gerry@usdoj.gov]  
>Sent: Tuesday, October 09, 2007 10:43 AM  
>To: Davidson, M (Intelligence); [REDACTED]  
>Cc: Eisenberg, John; Livingston, J (Intelligence); Rice, K (Intelligence); Starzak, Alissa (Intelligence); Healey, C (Intelligence); Nichols, Carl (CIV)  
>Subject: Re: new drafts

>  
>Mike-

>I will be there, but am hoping we could start a bit later (say 1pm). (I have a conflict in the morning that will be very hard to break.). I know tomorrow am is bad for john also.

>  
>Thanks,  
>Brett

>----- Original Message -----

>From: Davidson, M (Intelligence) <[REDACTED]@ssci.senate.gov>  
>To: Ben Powell <[REDACTED]>  
>Cc: Gerry, Brett (OLP); Eisenberg, John; Livingston, J (Intelligence) <[REDACTED]@ssci.senate.gov>; Rice, K (Intelligence) <[REDACTED]@ssci.senate.gov>; Starzak, Alissa (Intelligence) <[REDACTED]@ssci.senate.gov>; Healey, C (Intelligence) <[REDACTED]@ssci.senate.gov>; Nichols, Carl (CIV)  
>Sent: Tue Oct 09 10:33:49 2007  
>Subject: RE: new drafts

>  
>Ben, Brett, John, and Carl:

>  
>  
>  
>In the hope that tomorrow is OK for a marathon session, I've reserved a conference room from 10 on.

>  
>  
>  
>On our end, we're on the hook to settle by sometime Thursday on what we'll be recommending that the Chairman and Vice Chairman present to the Committee for its markup on October 18.

>  
>  
>  
>Let us know what will be possible on your end.

>  
>  
>  
>Mike  
>  
>  
>

b2/b6

[REDACTED]

>From: Ben Powell [REDACTED]  
>Sent: Monday, October 08, 2007 12:15 PM  
>To: Davidson, M (Intelligence)  
>Cc: Brett.Gerry@usdoj.gov; john.eisenberg@usdoj.gov; Livingston, J (Intelligence); Rice, K (Intelligence); Starzak, Alissa (Intelligence); Healey, C (Intelligence); carl.nichols@usdoj.gov  
>Subject: Re: new drafts

>  
>  
>  
>Mike -- If I read it right, I agree that we will need the #1 transition procedure as you suggest and it is important. I want to look more at #2 and #3.

>  
> We got together last night and discussed a couple of issues. We are very concerned about creating a new definition of "communications". One concern is that we will miss something and then place a future President/Congress back into a TSP-like world -- and perhaps over a technical issue. For example, suppose there is some new communication tech that people overseas are using and we are able to get great intel from it. But for some reason it doesn't fit the definition b/c we didn't get it right. But then there is a fear that modifying it through Congress will be the subject of speculation and people will figure out (probably pretty easily) "oh, they know want to get [insert new tech here -- I don't know, make up something -- combined HDTV, Internet, VOIP, video teleconferencing via laser, quantum remote computing]". Also, we fear creating a new cottage industry at DOJ/OIPR where everything is delayed while everyone checks each new data piece to see if it fits the definition of communication, when the real focus should be the target.

>  
> We also worry that we will need to make the definitions so broad, that it will raise the "scary hypotheticals" problem and therefore we will still need to put in explicit limitations (as we would do anyways with the current PAA) such as "Act does not authorize opening mail, searching homes of Americans, etc."

>  
> In any event, no need to debate it via email, but just some things we are looking deeply at and will want to sit down and discuss with you/Chris/Jack/Kathleen/Alissa this week.

>  
>Davidson, M (Intelligence) wrote:

>  
>  
>  
>  
>Sunday multi-tasking -- Redskins and FISA.

>  
>(1) The PAA's transition procedures includes:

>  
>"The Government also may file new applications, and the court established under section 103(a) of the Foreign Intelligence Surveillance Act ... shall enter orders granting such applications ... as long as the application meets the requirements set forth under the provisions of such Act as in effect on the day before the effective date of this Act."

>  
>It could turn out to be a useful, indeed necessary provision, if for example a question arises about the scope or constitutionality of the PAA (or its successor). In place of "as in effect on the day before the effective date of this Act," we could substitute "as in effect on the day before the effective date of the Protect America Act."

>  
>(2) The necessity of the "clarification" or "limitation" on the definition of electronic



b2/b6



surveillance remains unclear. Why isn't the affirmative grant of collection authority sufficient? In our report how do we complete this sentence: "The redefinition of electronic surveillance is required because \_\_\_\_\_."

> (3) But if we do include it, can we deal with the impact of the redefinition on the various places that the term electronic surveillance appears -- sections 102, 106, 109, 110, 301(5), by limiting the redefinition as follows: "Nothing in the definition of electronic surveillance under section 101(f), as applied to sections 104 and 105, shall be construed ..."

> Happy Columbus Day to all.

> Mike

> -----  
> Sent from my BlackBerry Wireless Handheld

> ----- Original Message -----

> From: Ben Powell

> To: Davidson, M (Intelligence)

> Cc: Gerry, Brett (OLP) <Brett.Gerry@usdoj.gov> <<mailto:Brett.Gerry@usdoj.gov>> ; john.eisenberg@usdoj.gov <[john.eisenberg@usdoj.gov](mailto:john.eisenberg@usdoj.gov)>

> <<mailto:john.eisenberg@usdoj.gov>> ; Livingston, J (Intelligence); Rice, K (Intelligence); Starzak, Alissa (Intelligence); Healey, C (Intelligence); carl.nichols@usdoj.gov

> <[carl.nichols@usdoj.gov](mailto:carl.nichols@usdoj.gov)> <<mailto:carl.nichols@usdoj.gov>>

> Sent: Fri Oct 05 17:58:54 2007

> Subject: Re: new drafts

> Thanks Mike. We will take a look and we can give you more detail in secure spaces about the current practice. Will have to check on schedule with Brett.

> Davidson, M (Intelligence) wrote:

> Ben, Brett, and John:

> I wanted to flag for your attention a paragraph that we added, in the draft sent earlier today, to the section on Directives - paragraph (2), on page 5, line 2-3.

> It provides that each directive shall contain a list of specific targets.

> The paragraph reflects a suggestion we received here that it would help allay the driftnet concern if it were clear that directives addressed specific targets.

> But, in including it, I realize that we don't know whether the practice now is for directives to include specific selectors, and hence whether a provision such as the one



b2/b4



b2/b4

[REDACTED]

**From:** [REDACTED]  
**To:** "Jeremy Bash" [REDACTED]@mail.house.gov>  
**cc:** "Brett Gerry" <Brett.Gerry@usdoj.gov>, "Greenwald Eric"  
[REDACTED]@mail.house.gov>, [REDACTED]  
**bcc:** [REDACTED] "Bill Burck"

**Date:** Monday, May 19, 2008 12:38PM  
**Subject:** RE: Technical issues

---

trying to work through coordination issues on the tech team. think it would have to happen early on tuesday. will discuss on call.

-----"Bash, Jeremy" [REDACTED]@mail.house.gov> wrote: -----

To: "Gerry, Brett " <Brett.Gerry@usdoj.gov>  
From: "Bash, Jeremy" <[REDACTED]@mail.house.gov>  
Date: 05/19/2008 11:47AM  
cc: <[REDACTED]> "Greenwald, Eric" <Eric.Greenwald@mail.house.gov>  
Subject: RE: Technical issues

b2/b4

[REDACTED]

**From:** [REDACTED]  
**To:** "Nick Rossi" [REDACTED]@judiciary-rep.senate.gov>  
**cc:** "John Demers" <John.Demers@usdoj.gov>, [REDACTED]

**Date:** Friday, May 09, 2008 03:00PM  
**Subject:** Re: FISA

---

understood, will do. Always feel free to call if you have questions.  
Ben

-----"Rossi, Nick (Judiciary-Rep)" <[REDACTED]@judiciary-rep.senate.gov> wrote: -----

To: "Ben Powell" <[REDACTED]> "Demers, John (NSD)" <John.Demers@usdoj.gov>  
From: "Rossi, Nick (Judiciary-Rep)" <[REDACTED]@judiciary-rep.senate.gov>  
Date: 05/09/2008 02:45PM  
Subject: FISA

Ben & John,

I just received a copy of your latest draft from other staff. I realize Sen. Specter's continued pursuit of "substitution" has limited our role in these discussions, but I will be better equipped to persuade him of the merits of the final product if I can brief him on the ebb and flow of the negotiations. So, if possible, please keep me in the loop as new language is being circulated and discussed.

Much Appreciated,  
Nick

b2/b6



**From:** [REDACTED]  
**To:** "K Rice" <[REDACTED]@ssci.senate.gov>

**Date:** Thursday, October 18, 2007 09:31PM  
**Subject:** Re: Amendments for Mark-up

No problem. Will need tech fix at some point. Any idea when comm will release bill text?

----- Original Message -----  
**From:** "Rice, K (Intelligence)" <[REDACTED]@SSCI.senate.gov>  
**Sent:** 10/18/2007 09:29 PM AST  
**To:** [REDACTED]  
**Subject:** RE: Amendments for Mark-up

I think you may have already spoken with Louis, but thanks for your help with this. We'll see what happens and what we can do to fix this (if anything)

**From:** Ben Powell [REDACTED]  
**Sent:** Thursday, October 18, 2007 7:03 PM  
**To:** Ben Powell  
**Cc:** Tucker, L (Intelligence); Livingston, J (Intelligence); John.Eisenberg@usdoj.gov; Gerry, Brett (OLP); [REDACTED]  
[REDACTED] Rice, K (Intelligence); [REDACTED]  
**Subject:** Re: Amendments for Mark-up

louis/jack/kathleen -- let me know if you received this.

Ben Powell wrote:

Louis: I understand this is the text below. As we read it it would mean:

1) If you are getting contents outside the US, that would not fall within the definition of electronic surveillance in FISA (those definitions basically apply to things inside the US -- with some exceptions not applicable here). So this provision says if you are doing something on US person overseas, you have to get a FISA. But yet, those activities are not within FISA because it will not fall within the definition of electronic surveillance.

So, the provision says you must have an order, but yet you can't get one under FISA. So that means we have to drop coverage.

2) This brings overseas activities directed at US person inside FISA (or at least brings them

b2/b4

[REDACTED]

in, but you can't get an order). That is problematic for the reasons we have outlined before in hearings in terms of ability to get cooperation, etc.

Bottom Line is that this will not work.

On page 6, after line 22 insert:

- | An acquisition authorized under subsection (a) may not target a United States person except pursuant to Title I of this Act.
- | The acquisition by any electronic, mechanical, or other surveillance device of the contents of any wire or radio communication sent by or intended to be received by a United States person who is reasonably believed to be located outside the United States, if the contents are acquired outside the United States, by intentionally targeting that United States person, under circumstances in which a person has reasonable expectation of privacy and a warrant would be required for law enforcement purposes if the technique were used inside the United States, may occur only subsequent to an order obtained pursuant to Title I of this Act.
- | The Attorney General shall submit to the Foreign Intelligence Surveillance Court, no later than 30 days following the passage of this Act, procedures for determining whether a target reasonably believed to be outside the United States is a United States person. No targeting shall occur contrary to the procedures, as approved by the Court.

bx/bb

[REDACTED]

**From:** [REDACTED]  
**To:** "L \ (Intelligence) Tucker" [REDACTED]@SSCI.Senate.Gov>

**Date:** Tuesday, August 28, 2007 10:50PM  
**Subject:** Re: Short notice

Got it, understand need to work on way forward. A bit hard to do this week, but will need to be ready for sep.

----- Original Message -----  
**From:** "Tucker, L (Intelligence)" [REDACTED]@SSCI.Senate.Gov]  
**Sent:** 08/28/2007 04:10 PM AST  
**To:** [REDACTED]  
**Subject:** Re: Short notice

Ben, I spoke with your deputy, understand the quandry. Put us on top of your notify list once you make a call, Bond wants to respect DNI's direction on this but won't watch from sidelines as others jump in, particularly when referencing his bill (your language) which has become law.

----- Original Message -----  
**From:** Tucker, L (Intelligence)  
**To:** [REDACTED]  
**Sent:** Tue Aug 28 12:23:23 2007  
**Subject:** Short notice

Bond going on press regarding upcoming FISA debate and needs to know if all DNI said in El Paso is considered disclosed or are you trying to pull back. Need to hear from one of you. Pls call cell [REDACTED] to discuss asap, txs.



b2/b4



**From:** [Redacted]  
**To:** "Marcel (Reid) Lettre" <[Redacted]@reid.senate.gov>

**Date:** Tuesday, February 12, 2008 10:18PM  
**Subject:** Re: Thanks

Thanks Marcel. We were happy to work with members and staff to accommodate as many concerns as possible. Concerned (as everyone is) about how this gets to a final product and what the timeframe is.

----- Original Message -----  
**From:** "Lettre, Marcel (Reid)" [Redacted]@reid.senate.gov]  
**Sent:** 02/12/2008 09:05 PM EST  
**To:** [Redacted]  
**Subject:** Thanks

Kathy/Ben-

Thanks for all of the ODNI's work to pave the way for senate passage of the fisa bill. Welcome your thoughts on next steps as we go through negotiations with House to finish this process.

As you know, we expect a short-term extension will be necessary to provide a reasonable amount of time to finish negotiations with the House, and we expect sen reid will continue to push for that this week.

Will do my best to keep you posted on developments on my end.

Marcel  
-----  
Sent from my BlackBerry

Out of Scope

b2/b6

I'll see what we can get, but I'm not optimistic on getting much in the way of imminent attack.

On another issue. Have you all finished your analysis of Kennedy amendment 3960 (all intended recipients are known at the time of the acquisition to be located in the United States)? If we take out the (e)(2) destruction requirement, it seems like this is basically a belt and suspenders provision.

Thanks.

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

From: Ben Powell [REDACTED]  
Sent: Wednesday, January 30, 2008 10:09 AM  
To: Livingston, J (Intelligence)  
Cc: Demers, John; Chris; John.Eisenberg@usdoj.gov  
Subject: Re: FW: FISA Amendment

Jack -- I would try for some short period of imminent attack if possible

-- Congress was out of session in August when "the system was blinking red" in August 2001. Suppose everyone had shared info and we had launched massive hunt for the sept 11 team that we now knew were somewhere in the US. And you know what would be a key way locate them (will not say anything more on this system). While I suppose you could say "well, the President should have gone public and called the entire Congress back to address that", I doubt that things ever really work that way and would have tipped AQ off to exactly the search that is being conducted for them. Look, we sure would like to prevent an imminent attack -- and saying that we are going to go to Congress and get something through in what would be an incredibly time sensitive (and

probably intelligence sensitive situation) situation is probably not realistic.

But in the end, I agree that the gravest issue is a WMD type attack happens while Congress is out (or Congress can't meet) and we need to find the rest of a team here in the US, so I would drop imminent attack if forced to (but would try at least to get a short period).

Livingston, J (Intelligence) wrote:

>I spoke with Melvin Dubee about this. The Democrats can't accept a  
>blank check on the imminent attack language. In some respects, their  
>argument makes sense, because the flexibility of the provision is  
>designed primarily to operate in the context of Congress being out of  
>action. Congress would not be out of action prior to an imminent  
>attack. What's your preference? It seems to me, the better course of  
>action is to drop imminent attack and try to hold out for 90 days. If  
>Feinstein gets exclusive means as part of a UC, then we'll probably end  
>up with overwhelming bipartisan support for the final bill, which will

>give us a lot of leverage in House negotiations. I need an answer soon.

>Thanks.

>

>

>-----Original Message-----

>From: Grannis, D (Intelligence)

>Sent: Tuesday, January 29, 2008 9:13 PM

>To: Livingston, J (Intelligence); Dube, M (Intelligence)

>Cc: Davidson, M (Intelligence)

>Subject: RE: FISA Amendment

>

>Jack - This is clearly better than the first iteration, from my point of

>view - I appreciate the improvements. The AUMF part of the argument is

>clearly taken care of. The other issues I raised with you still apply

>(for the most part). Let's discuss in the morning - as I stated, I

think

>we ought to focus on those areas where FISA (as amended) is

>insufficient, such as cases where some part of the government can't

act,

>a moderate increase in the 15 day period (45 is better than 90...), and

>perhaps some other situations involving imminent attack. Though in the

>latter category, I still don't understand why Title I and Title VII

>would be insufficient.

>

>David

>

>

>

>

>-----Original Message-----

>From: Livingston, J (Intelligence)

>Sent: Tue 1/29/2008 8:58 PM

>To: Grannis, D (Intelligence); Dube, M (Intelligence)

>Cc: Davidson, M (Intelligence)

>Subject: FW: FISA Amendment

>

>David,

>

>Attached is merged amendment with the Feinstein exclusive means and the

>Bond second degree. I think it reasonably addresses the four points

>that we discussed. Ideally, we could file this as a Feinstein/Bond

>amendment. Let me know what you think. Thanks.

>

>Jack

>

>

b2/b6

**From:** [REDACTED]  
**To:** "Jack Livingston" [REDACTED]@ssci.senate.gov>, "Brett Gerry" <Brett.Gerry@usdoj.gov>, "John Eisenberg" <John.Eisenberg@usdoj.gov>, "John Demers" <John.Demers@usdoj.gov>

**bcc:** [REDACTED]

**Date:** Tuesday, October 09, 2007 11:29AM  
**Subject:** Re: new drafts

Got it.

----- Original Message -----  
**From:** "Livingston, J (Intelligence)" [REDACTED]@ssci.senate.gov  
**Sent:** 10/09/2007 10:03 AM AST  
**To:** [REDACTED]  
**Subject:** RE: new drafts

Please take a stab at a definition if you all can. I think it may be the best solution and/or the best compromise. I would think we should be able to come up with something that is flexible enough to cover new technologies short of telepathy. Thanks.

**From:** Ben Powell [REDACTED]  
**Sent:** Monday, October 08, 2007 12:15 PM  
**To:** Davidson, M (Intelligence)  
**Cc:** Brett.Gerry@usdoj.gov; john.eisenberg@usdoj.gov; Livingston, J (Intelligence); Rice, K (Intelligence); Starzak, Alissa (Intelligence); Healey, C (Intelligence); carl.nichols@usdoj.gov  
**Subject:** Re: new drafts

Mike -- If I read it right, I agree that we will need the #1 transition procedure as you suggest and it is important. I want to look more at #2 and #3.

We got together last night and discussed a couple of issues. We are very concerned about creating a new definition of "communications". One concern is that we will miss something and then place a future President/Congress back into a TSP-like world -- and perhaps over a technical issue. For example, suppose there is some new communication tech that people overseas are using and we are able to get great intel from it. But for some reason it doesn't fit the definition b/c we didn't get it right. But then there is a fear that modifying it through Congress will be the subject of speculation and people will figure out (probably pretty easily) "oh, they know want to get [insert new tech here -- I don't know, make up something -- combined HDTV, Internet, VOIP, video teleconferencing via laser, quantum remote computing]". Also, we fear creating a new cottage industry at DOJ/OIPR where everything is delayed while everyone checks each new data piece to see if it fits the

6/30/2008 4:01 PM

b2/b6



definition of communication, when the real focus should be the target.

We also worry that we will need to make the definitions so broad, that it will raise the "scary hypotheticals" problem and therefore we will still need to put in explicit limitations (as we would do anyways with the current PAA) such as "Act does not authorize opening mail, searching homes of Americans, etc."

In any event, no need to debate it via email, but just some things we are looking deeply at and will want to sit down and discuss with you/Chris/Jack/Kathleen/Alissa this week.

Davidson, M (Intelligence) wrote:

Sunday multi-tasking -- Redskins and FISA.

(1) The PAA's transition procedures includes:

"The Government also may file new applications, and the court established under section 103(a) of the Foreign Intelligence Surveillance Act ... shall enter orders granting such applications ... as long as the application meets the requirements set forth under the provisions of such Act as in effect on the day before the effective date of this Act."

It could turn out to be a useful, indeed necessary provision, if for example a question arises about the scope or constitutionality of the PAA (or its successor). In place of "as in effect on the day before the effective date of this Act," we could substitute "as in effect on the day before the effective date of the Protect America Act."

(2) The necessity of the "clarification" or "limitation" on the definition of electronic surveillance remains unclear. Why isn't the affirmative grant of collection authority sufficient? In our report how do we complete this sentence: "The redefinition of electronic surveillance is required because \_\_\_\_\_."

(3) But if we do include it, can we deal with the impact of the redefinition on the various places that the term electronic surveillance appears -- sections 102, 106, 109, 110, 301(5), by limiting the redefinition as follows: "Nothing in the definition of electronic surveillance under section 101(f), as applied to sections 104 and 105, shall be construed ..."

Happy Columbus Day to all.

Mike

-----  
Sent from my BlackBerry Wireless Handheld

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

From: Ben Powell [REDACTED]  
To: Davidson, M (Intelligence)  
Cc: Gerry, Brett (OLP) <Brett.Gerry@usdoj.gov>; john.eisenberg@usdoj.gov <john.eisenberg@usdoj.gov>; Livingston, J (Intelligence); Rice, K (Intelligence); Starzak, Alissa (Intelligence); Healey, C (Intelligence); carl.nichols@usdoj.gov <carl.nichols@usdoj.gov>  
Sent: Fri Oct 05 17:58:54 2007  
Subject: Re: new drafts

Thanks Mike. We will take a look and we can give you more detail in secure spaces about the current practice. Will have to check on schedule with Brett.

b2/b4



Davidson, M (Intelligence) wrote:

Ben, Brett, and John:

I wanted to flag for your attention a paragraph that we added, in the draft sent earlier today, to the section on Directives – paragraph (2), on page 5, line 2-3.

It provides that each directive shall contain a list of specific targets.

The paragraph reflects a suggestion we received here that it would help allay the driftnet concern if it were clear that directives addressed specific targets.

But, in including it, I realize that we don't know whether the practice now is for directives to include specific selectors, and hence whether a provision such as the one proposed would be consistent with current practice or a departure from it.

When you do send your comments, your observations about this paragraph would be appreciated.

Looking at next week, perhaps we should pick a time for a discussion that will go through every matter that should be discussed, and not end until we have done that.

How about starting Wednesday morning?

Mike

From: Healey, C (Intelligence)  
Sent: Friday, October 05, 2007 11:29 AM  
To: 'Ben Powell'; Gerry, Brett (OLP); '[john.eisenberg@usdoj.gov](mailto:john.eisenberg@usdoj.gov)'  
Cc: Davidson, M (Intelligence); Livingston, J (Intelligence); Rice, K (Intelligence); Starzak, Alissa (Intelligence)  
Subject: new drafts

b2/b6



Christine Healey

Senate Select Committee on Intelligence

[redacted] (direct)

[redacted] [@ssci.senate.gov](mailto:[redacted]@ssci.senate.gov)

b2/bu



**From:** [Redacted]  
**To:** "Jeremy Bash" <[Redacted]@mail.house.gov>, [Redacted]  
**cc:** "Chris Donesa" <[Redacted]@mail.house.gov>, "Heath, Jay" <[Redacted]@mail.house.gov>, "Hanauer, Larry" <[Redacted]@mail.house.gov>, "Morrison, Brian" <[Redacted]@mail.house.gov>

**Date:** Friday, March 07, 2008 09:55PM  
**Subject:** Re: Allegations by Pasdar

I understand that fbi has told wash post that fbi does not get "unfettered access" to provider networks. They rely on providers in responding to court ordered intercept/record.

Will get you more info.

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

**From:** "Bash, Jeremy" <[Redacted]@mail.house.gov>  
**Sent:** 03/07/2008 05:29 PM EST  
**To:** [Redacted]  
**Cc:** "Donesa, Chris" <[Redacted]@mail.house.gov>; "Heath, Jay" <[Redacted]@mail.house.gov>; [Redacted] <[Redacted]@mail.house.gov>; "Hanauer, Larry" <[Redacted]@mail.house.gov>; "Morrison, Brian" <[Redacted]@mail.house.gov>  
**Subject:** FW: Allegations by Pasdar

Ben and Kathleen,

Is there anything that another element has on this topic? It would be useful so we can say, "we looked into this, and we know what this is all about."

If it has to be through classified channels, OK. No urgency for today; we can pick it up at the offsite.

- Jeremy

Jeremy Bash, HPSCI



**From:** [Redacted]  
**Sent:** Friday, March 07, 2008 5:04 PM  
**To:** Donesa, Chris  
**Cc:** Greer, John; Bash, Jeremy; Parker, Wyndee  
**Subject:** Allegations by Pasdar

6/30/2008 4:30 PM



12/16



Chris

We have seen press reports that Chairmen Dingell, Markey, and Stupak have sent a letter to members about allegations made by Babak Pashar concerning some form of third-party security breach traced to a government office in Quantico VA. The Chairmen are reported to be citing these allegations as a reason to go slow on FISA modernization legislation and retroactive carrier immunity.

We reviewed two documents on the Web related to these allegations. One is a set of talking points by Tom Devine of the Government Accountability Project. The other is some kind of statement by Pashar that he calls an "affidavit."

These documents do not give us sufficient information; we simply cannot tell what Pashar is talking about. We are continuing to make inquiries and will let you know if we find anything.

John

6/30/2008 4:30 PM

b2/b4



**From:** [Redacted]  
**To:** "Jeremy Bash" [Redacted] <[Redacted]@mail.house.gov>, "Ken Wainstein" <kenneth.wainstein@usdoj.gov>  
**cc:** "Vito Potenza (work)" <[Redacted]>, "Wyndee Parker" <[Redacted]@mail.house.gov>, "Matthew (NSD) Olsen" <Matthew.Olsen@usdoj.gov>, [Redacted]  
<[Redacted]>

---

**Date:** Thursday, February 14, 2008 11:33PM  
**Subject:** Re: question

b2/b4



Jeremy--as we discussed this evening, did not say that anywhere I can find (indeed, the ny times article has a quote that is just as wrong the other way-saying I indicated that none had threatened to halt operations when I did not address that issue).

Not addressing what is in fact the situation on both those issues (compliance and threat to halt) on this email.

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

**From:** "Bash, Jeremy" [redacted]@mail.house.gov]  
**Sent:** 02/14/2008 07:01 PM EST  
**To:** "Wainstein, Kenneth (NSD)" <Kenneth.Wainstein@usdoj.gov>; [redacted]  
**Cc:** "Potenza, Vito" [redacted]; "Parker, Wyndee" [redacted]  
[redacted]@mail.house.gov>; "Olsen, Matthew" <Matthew.Olsen@usdoj.gov>  
**Subject:** question

Ken and Ben,

We are hearing that you have made a public statement (perhaps in your press conference call) that private sector entities have refused to comply with PAA certifications because they were concerned that the law was temporary. A) Is that what you said? B) If yes, is that accurate? Can one of you please call me on [redacted] and confirm for me which entities said that because I would like to verify. The briefs I read provided a very different rationale.

- Jeremy

Jeremy Bash | Chief Counsel  
House Permanent Select Committee on Intelligence  
Direct: [redacted]  
Main: 202-225-7690  
[redacted]



12/16

(The list of addressees above encompasses the House and Senate leadership offices, and the staffs of the chairmen/vice chairman/ranking members of the House and Senate Intelligence and Judiciary Committees who participated in the meeting here several weeks ago. Please pass on to any colleagues whom I have omitted.)

Senator Rockefeller has asked us also to convey a request and wish, for national security reasons of which we are all aware, that a central part of our common goal be the completion of this legislation prior to the Memorial Day recess.

Please be in touch with any questions about the proposal.

Mike

Attachments:

EAS08246\_xml.pdf

redlineSenatevEAS08246.doc redlineHousevEAS08246.doc

9/4/2008 2:23 PM

b2/b6



**From:** [Redacted]  
**To:** "Chris Donesa" <[Redacted]@mail.house.gov>  
**cc:** [Redacted]  
**Date:** Saturday, May 10, 2008 11:48AM  
**Subject:** Re: Fwd: FISA

A number of the deletions are to back out things they proposed or just to conform to new language.

----- Original Message -----  
**From:** "Donesa, Chris" [Redacted]@mail.house.gov]  
**Sent:** 05/10/2008 11:43 AM AST  
**To:** [Redacted]  
**Subject:** Re: Fwd: FISA

Thanks -

----- Original Message -----  
**From:** [Redacted]  
**To:** Donesa, Chris; [Redacted]  
**Sent:** Sat May 10 11:38:01 2008  
**Subject:** Fw: Fwd: FISA

Chris -- here is language. Basic change is to exigent circumstances and tighten ip the liability protection.

----- Original Message -----  
**From:** Powell Benjamin A [Redacted]  
**Sent:** 05/10/2008 01:08 PM GMT  
**To:** [Redacted]  
**Subject:** Fwd: FISA

Classification: UNCLASSIFIED

Classification: UNCLASSIFIED

b2/b4



**From:** "Davidson,M (Intelligence)" <[redacted]@ssci.senate.gov>  
**To:** "Rice,K (Intelligence)" <[redacted]@ssci.senate.gov>, "Starzak,Alissa (Intelligence)" <[redacted]@ssci.senate.gov>, "Demers,John" <John.Demers@usdoj.gov>, [redacted] <[redacted]@ssci.senate.gov>  
**cc:** [redacted] <[redacted]@slc.senate.gov>, "Easley,Stephanie (Legis Counsel)" <[redacted]@slc.senate.gov>, "Henderson,John (Legis Counsel)" <[redacted]@slc.senate.gov>, [redacted] <[redacted]@mail.house.gov>, "DeRosa,Mary (Judiciary-Dem)" <[redacted]@Judiciary-dem.senate.gov>, "Espinel,Zulima (Judiciary-Dem)" <[redacted]@Judiciary-dem.senate.gov>, "Solomon,Matthew (Judiciary-Dem)" <[redacted]@Judiciary-dem.senate.gov>, [redacted] <[redacted]@mail.house.gov>, [redacted] <[redacted]@mail.house.gov>, "Rossi,Nick (Judiciary-Rep)" <[redacted]@judiciary-rep.senate.gov>, [redacted] <[redacted]@mail.house.gov>, [redacted] <[redacted]@mail.house.gov>, "Livingston,J (Intelligence)" <[redacted]@ssci.senate.gov>, "Healey,C (Intelligence)" <[redacted]@ssci.senate.gov>, [redacted] <[redacted]@ssci.senate.gov>

**Date:** Tuesday, April 22, 2008 04:43PM  
**Subject:** RE: Technical FISA edits -- Wednesday, April 23, 9 am, SD-668 (Senate Legislative Counsel)

A good deal of effort has gone into finding a mutually convenient time to undertake an important task regarding language that will not be affected by the policy matters discussed on Monday.

An example of that, and a place that we might profitably start, is the transition title.

The transition titles of the Senate amendment and the House amendment are written differently, not as a result of policy differences, but following the technical attention given to the title by the House and Senate Legislative Counsel. We will, among other things, very much value ODNI/DOJ/NSA's own technical consideration of the matters covered in the transition titles, in a session together with House and Senate Legislative Counsel and all other interested colleagues in this endeavor, so that all questions are asked and answered, and as much resolved as possible.

Beyond the transition title, there are word choices in various parts of Title I that will not be affected by policy decisions. Of course, one value of broad participation in tomorrow morning's session is for anyone to identify whether any matter is a policy decision that should be reserved for members.

9/4/2008 2:23 PM

b2/b6

[REDACTED]

So, because there is useful work to do that is quite separate from the policy matters that we may need to bring to Members, it is important that we adhere to the plan to meet tomorrow morning.

Mike

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

From: Rice, K (Intelligence)  
Sent: Tuesday, April 22, 2008 4:13 PM  
To: Starzak, Alissa (Intelligence); 'Demers, John'; [REDACTED]  
Cc: Davidson, M (Intelligence); [REDACTED]  
Easley, Stephanie (Legis Counsel); Henderson, John (Legis Counsel); [REDACTED]  
[REDACTED]@mail.house.gov; DeRosa, Mary (Judiciary-Dem); Espinel, Zulima (Judiciary-Dem); Solomon, Matthew (Judiciary-Dem); [REDACTED]  
[REDACTED]@mail.house.gov; [REDACTED]@mail.house.gov;  
Rossi, [REDACTED]@mail.house.gov;  
Nick (Judiciary-Rep); [REDACTED]@mail.house.gov;  
[REDACTED]@mail.house.gov; [REDACTED]; Livingston, J (Intelligence); Healey, C (Intelligence); [REDACTED]  
Subject: RE: Technical FISA edits -- Tuesday, April 22, 10 am, SD-668 (Senate Legislative Counsel)

Following our discussion yesterday, it appears to be premature to discuss any technical edits to bill language. We believe it is best at this point to wait for direction from the members in regard to any further meetings.

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

From: Starzak, Alissa (Intelligence)  
Sent: Friday, April 18, 2008 1:48 PM  
To: 'Demers, John'; [REDACTED] Easley,  
Cc: Davidson, M (Intelligence); [REDACTED]  
Stephanie (Legis Counsel); Henderson, John (Legis Counsel); [REDACTED]  
[REDACTED]@mail.house.gov; DeRosa, Mary (Judiciary-Dem); Espinel, Zulima (Judiciary-Dem); Solomon, Matthew (Judiciary-Dem); [REDACTED]  
[REDACTED]@mail.house.gov; [REDACTED]@mail.house.gov; Rossi, Nick (Judiciary-Rep); [REDACTED]@mail.house.gov;  
[REDACTED]@mail.house.gov; Livingston, J (Intelligence); Healey, C (Intelligence); Rice, K (Intelligence); [REDACTED]  
Subject: RE: Technical FISA edits -- Tuesday, April 22, 10 am, SD-668 (Senate Legislative Counsel)

9 am is fine for me, and I think it's actually better for some of our House colleagues. Does that pose a problem for anyone?

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

From: Demers, John [mailto:John.Demers@usdoj.gov]

9/4/2008 2:23 PM



b2/b6



Sent: Friday, April 18, 2008 1:42 PM  
 To: Starzak, Alissa (Intelligence); [redacted] Easley,  
 Cc: Davidson, M (Intelligence); [redacted]  
 Stephanie (Legis Counsel); Henderson, John (Legis Counsel);  
 [redacted]@mail.house.gov; DeRosa, Mary (Judiciary-Dem); Espinel,  
 Zulima (Judiciary-Dem); Solomon, Matthew (Judiciary-Dem);  
 [redacted]@mail.house.gov; [redacted]@mail.house.gov; Rossi,  
 Nick  
 (Judiciary-Rep); [redacted]@mail.house.gov;  
 [redacted]@mail.house.gov;  
 Livingston, J (Intelligence); Healey, C (Intelligence);  
 Rice, K (Intelligence); [redacted]  
 Subject: RE: Technical FISA edits -- Tuesday, April 22, 10 am, SD-668  
 (Senate Legislative Counsel)

Alissa and all,

Can we do this earlier (at 9 am)? It will be difficult for DOJ folks  
 to  
 start at 10 and be able to be back in time for later appointments.

Thanks,  
John

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

From: Starzak, Alissa (Intelligence)  
 [mailto:[redacted]@ssci.senate.gov]  
 Sent: Friday, April 18, 2008 1:14 PM  
 To: [redacted]  
 Cc: Davidson, M (Intelligence); [redacted] Demers, John;  
 [redacted] Easley, Stephanie (Legis Counsel); Henderson, John (Legis  
 Counsel); [redacted]@mail.house.gov; DeRosa, Mary (Judiciary-Dem);  
 Espinel, Zulima (Judiciary-Dem); Solomon, Matthew (Judiciary-Dem);  
 [redacted]@mail.house.gov; [redacted]@mail.house.gov; Rossi,  
 Nick  
 (Judiciary-Rep); [redacted]@mail.house.gov;  
 [redacted]@mail.house.gov;  
 Livingston, J (Intelligence); Healey, C (Intelligence);  
 Rice, K (Intelligence); [redacted]  
 Subject: RE: Technical FISA edits -- Tuesday, April 22, 10 am, SD-668  
 (Senate Legislative Counsel)

Great. Let's plan on meeting at Senate Legislative Counsel's offices  
 (Dirksen-668) at 10 am on Wednesday.

Also, Stephanie put together a draft of the redline I circulated in  
 leg  
 counsel format. It's attached. When we actually sit down, this draft  
 should be easier to work with than the redline I circulated.

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

From: [redacted]  
 Sent: Friday, April 18, 2008 12:57 PM

9/4/2008 2:23 PM

b2/b6



To: Starzak, Alissa (Intelligence)  
 Cc: Davidson, M (Intelligence); [redacted] John Demers;  
 [redacted] Easley, Stephanie (Legis Counsel); Henderson,  
 John (Legis Counsel); philip.bayer@mail.house.gov; DeRosa, Mary  
 (Judiciary-Dem); Espinel, Zulima (Judiciary-Dem); Solomon, Matthew  
 (Judiciary-Dem); [redacted]@mail.house.gov;  
 [redacted]@mail.house.gov; Rossi, Nick (Judiciary-Rep);  
 [redacted]@mail.house.gov; [redacted]@mail.house.gov; [redacted]  
 Livingston, J (Intelligence); Healey, C (Intelligence); Rice, K  
 (Intelligence); [redacted]  
 Subject: RE: Technical FISA edits -- Tuesday, April 22, 10 am, SD-668  
 (Senate Legislative Counsel)

Alissa,

I am available and I checked with NSA ([redacted] and [redacted] cc'ed above) who  
 can  
 attend as well.



This message and any attachments may contain confidential or  
 privileged  
 information and are only for the use of the intended recipient of this  
 message. If you are not the intended recipient, please notify the  
 sender  
 by  
 return email, and delete or destroy this and all copies of this  
 message  
 and  
 all attachments.

-----"Starzak, Alissa (Intelligence)" [redacted]@ssci.senate.gov>  
 wrote:  
 -----

To: [redacted] "Davidson, M (Intelligence)"  
 [redacted]@ssci.senate.gov>  
 From: "Starzak, Alissa (Intelligence)" [redacted]@ssci.senate.gov>  
 Date: 04/18/2008 12:28PM  
 cc: [redacted] "John Demers" <john.demers@usdoj.gov>,  
 [redacted] "Easley, Stephanie (Legis Counsel)"  
 [redacted]@slc.senate.gov>, "Henderson, John (Legis Counsel)"  
 [redacted]@slc.senate.gov>, [redacted]@mail.house.gov>,  
 "DeRosa,  
 Mary (Judiciary-Dem)" [redacted]@Judiciary-dem.senate.gov>,  
 "Espinel,

9/4/2008 2:23 PM

b2/b6



Zulima (Judiciary-Dem)" <[redacted]@Judiciary-dem.senate.gov>,  
 "Solomon, Matthew (Judiciary-Dem)"  
 <[redacted]@Judiciary-dem.senate.gov>,  
 <[redacted]@mail.house.gov>,  
 <[redacted]@mail.house.gov>, "Rossi, Nick (Judiciary-Rep)"  
 <[redacted]@Judiciary-rep.senate.gov>, <[redacted]@mail.house.gov>,  
 <[redacted]@mail.house.gov>,  
 "Livingston,  
 J (Intelligence)" <[redacted]@ssci.senate.gov>, "Healey, C  
 (Intelligence)" <[redacted]@ssci.senate.gov>, "Rice, K (Intelligence)"  
 <[redacted]@ssci.senate.gov>  
 Subject: RE: Technical FISA edits -- Tuesday, April 22, 10 am, SD-668  
 (Senate Legislative Counsel)

What about Wednesday morning at 10 am? Would that work for everyone?

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

From: [redacted]  
 Sent: Friday, April 18, 2008 9:17 AM  
 To: Davidson, M (Intelligence)  
 Cc: [redacted] John Demers;  
 [redacted] Easley, Stephanie (Legis Counsel); Henderson, John (Legis Counsel);  
 [redacted]@mail.house.gov; DeRosa, Mary (Judiciary-Dem); Espinel,  
 Zulima  
 (Judiciary-Dem); Solomon, Matthew (Judiciary-Dem);  
 [redacted]@mail.house.gov; [redacted]@mail.house.gov; Rossi,  
 Nick  
 (Judiciary-Rep); [redacted]@mail.house.gov;  
 [redacted]@mail.house.gov;  
 [redacted] Livingston, J (Intelligence); Healey, C (Intelligence);  
 Rice, K  
 (Intelligence); Starzak, Alissa (Intelligence)  
 Subject: Re: Technical FISA edits -- Tuesday, April 22, 10 am, SD-668  
 (Senate Legislative Counsel)

Mike - I appologize for this, but some unavoidable conflicts have  
 arisen  
 Tuesday morning. Can we push it back? or do Wednesday is free. Lets  
 talk  
 when I am down there this morning.



This message and any attachments may contain confidential or  
 privileged  
 information and are only for the use of the intended recipient of this  
 message. If you are not the intended recipient, please notify the  
 sender  
 by

9/4/2008 2:23 PM

b2/b6



return email, and delete or destroy this and all copies of this message and all attachments.

-----"Davidson, M (Intelligence)" [redacted]@ssci.senate.gov> wrote:  
-----

To: [redacted], "Ben Powell" <[redacted]>  
"Demers, John (NSD)" <John.Demers@usdoj.gov>, [redacted]  
[redacted] "Easley, Stephanie (Legis Counsel)" <[redacted]@slc.senate.gov>, "Henderson, John (Legis Counsel)" <[redacted]@mail.house.gov>, [redacted]@slc.senate.gov>, <[redacted]@mail.house.gov>,  
"DeRosa, Mary (Judiciary-Dem)" <[redacted]@Judiciary-dem.senate.gov>,  
"Espinel, Zulima (Judiciary-Dem)" <[redacted]@Judiciary-dem.senate.gov>,  
"Solomon, Matthew (Judiciary-Dem)" <[redacted]@Judiciary-dem.senate.gov>,  
[redacted]@mail.house.gov>,  
[redacted]@mail.house.gov>, "Rossi, Nick (Judiciary-Rep)" <[redacted]@mail.house.gov>,  
[redacted]@judiciary-rep.senate.gov>, [redacted]@mail.house.gov>,  
[redacted]@mail.house.gov>,  
From: "Davidson, M (Intelligence)" <[redacted]@ssci.senate.gov>  
Date: 04/17/2008 06:54PM  
cc: "Livingston, J (Intelligence)" <[redacted]@ssci.senate.gov>,  
"Healey, C (Intelligence)" <[redacted]@ssci.senate.gov>, "Rice, K (Intelligence)" <[redacted]@ssci.senate.gov>,  
[redacted]@ssci.senate.gov>, "Starzak, Alissa (Intelligence)" <[redacted]@ssci.senate.gov>  
Subject: Technical FISA edits -- Tuesday, April 22, 10 am, SD-668  
(Senate Legislative Counsel)

[redacted], Alissa, and I had a chance to talk this morning about the best time to meet on FISA technical edits. [redacted] suggested that Tuesday (April 22) would provide him and other ODNI/DOJ/NSA participants time to review the document Alissa circulated and be prepared to discuss technical drafting questions. For those who will be joining the discussion (fewer, I'm sure, than the entire list above), let's meet at 10 a.m. that day. Senate Legislative Counsel, Dirksen 668, will provide a conference table. (Lou and Wyndee or Eric: could you pass this on to any interested Republican colleagues at HPSCI and House Judiciary.)

b2/b6



Mike

b2/b6



**From:** "Tucker, L \ (Intelligence)" <[redacted]@SSCI.Senate.Gov>  
**To:** [redacted] "Johnson, A \ (Intelligence)"  
 [redacted]@SSCI.Senate.Gov>, "Dubee, M \ (Intelligence)"  
 [redacted]@SSCI.Senate.Gov>, "Johnson, K \ (Intelligence)"  
**cc:** "Davidson, M \ (Intelligence)" [redacted]@SSCI.Senate.Gov>, "Livingston, J  
 \ (Intelligence)" [redacted]@SSCI.Senate.Gov>, "Wolfe, J \ (Intelligence)"  
 [redacted]@SSCI.Senate.Gov>, "Rosenblum, T \ (Intelligence)"  
 [redacted]@SSCI.Senate.Gov>, "Chapman, Eric \ (Intelligence)"  
 [redacted]@SSCI.Senate.Gov>, "Sarah Roland"  
 <Sarah.E.Roland@usdoj.gov>, <[redacted]>

**Date:** Friday, September 14, 2007 12:24PM  
**Subject:** RE: FISA-Protect America Act Implementation NSA-DoJ, ODNI Member Bfngs in Hart 219 on Tuesday, September 18, 10:30-12 noon

John, I'm confused. My understanding was that 9-1030 was for non-SSCI members and starting at 1030 was for SSCI members? Are you saying that's changed and it's just one brief for all members from the 4 cmts now? I don't have a preference but am trying to understand with all the changes what is the latest.

Louis Tucker  
 Minority Staff Director  
 Senate Select Committee on Intelligence  
 202-224-1700

**From:** [redacted]  
**Sent:** Friday, September 14, 2007 12:11 PM  
**To:** Johnson, A (Intelligence); Dubee, M (Intelligence); Tucker, L (Intelligence); Johnson, K (Intelligence)  
**Cc:** Davidson, M (Intelligence); Livingston, J (Intelligence); Wolfe, J (Intelligence); Rosenblum, T (Intelligence);  
 Chapman, Eric (Intelligence); [redacted] Sarah Roland;  
**Subject:** RE: FISA-Protect America Act Implementation NSA-DoJ, ODNI Member Bfngs in Hart 219 on Tuesday, September 18, 10:30-12 noon

The time period for this briefing on 18 September 2007 has changed to 0900-1030 hours but remains in SH-219. Interested Members (and TS-SCI cleared staff) from SSCI, SASC, SAC-D, and SJC are invited to attend.

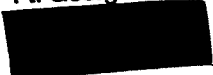
b2/b6



Thanks,

Jon

**Jonathan E. Miller**  
Associate Director for Legislative Affairs  
National Security Agency  
9800 Savage Road  
Room 2B7112, Suite 6282  
Ft. George G. Meade, MD 20759

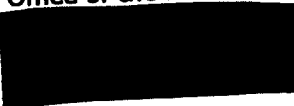


-----Original Message-----

**From:** [Redacted]  
**Sent:** Thursday, September 13, 2007 6:56 PM  
**To:** Andy Johnson  
**Cc:** [Redacted]@ssci.senate.gov; [Redacted]@ssci.senate.gov;  
[Redacted]@ssci.senate.gov; Louis Tucker; [Redacted]@ssci.senate.gov;  
[Redacted]@ssci.senate.gov; [Redacted]@ssci.senate.gov;  
[Redacted]@ssci.senate.gov; Jim Wolfe; [Redacted]@ssci.senate.gov;  
Sarah Roland; [Redacted]  
Miller, Jonathan E.; [Redacted]  
**Subject:** Re: FISA-Protect America Act Implementation NSA-DoJ, ODNI Member Bfngs in Hart 219 on  
Tuesday, September 18, 10:30-12 noon

Andy: Agree 100%--my email should have said SSCI Members and Staff Only--my apologies.

Kathleen Turner  
Director of Legislative Affairs  
Office of the Director of National Intelligence



-----"Johnson, A (Intelligence)" [Redacted]@ssci.senate.gov> wrote: -----

**To:** [Redacted], "Dubee, M (Intelligence)" [Redacted]@ssci.senate.gov>, "Tucker, L (Intelligence)" [Redacted]@ssci.senate.gov>, "Johnson, K (Intelligence)" [Redacted]@ssci.senate.gov>, "Davidson, M (Intelligence)" [Redacted]@ssci.senate.gov>, "Livingston, J (Intelligence)" [Redacted]@ssci.senate.gov>, "Wolfe, J (Intelligence)" [Redacted]@ssci.senate.gov>, "Rosenblum, T (Intelligence)" [Redacted]@ssci.senate.gov>, "Chapman, Eric (Intelligence)" [Redacted]@ssci.senate.gov>  
**From:** "Johnson, A (Intelligence)" [Redacted]@ssci.senate.gov>  
**Date:** 09/13/2007 06:52PM  
**cc:** [Redacted]  
<Sarah.E.Roland@usdoj.gov>,

**Subject:** Re: FISA-Protect America Act Implementation NSA-DoJ, ODNI Member Bfngs in Hart 219 on Tuesday, September 18, 10:30-12 noon

9/4/2008 1:20 PM

b2/b6



To all: I have sent a separate reply to Kathleen, but her message is in error. Senators Bayh and Mikulski requested this briefing and it is of course open to all members and staff of the SSCI (presuming the two Senators do not object -- Todd and Eric, please clarify this point). The invitation is NOT extended to all Members of Congress and all TS/SCI level staff in the House and Senate outside the committee. The Chairman has not been asked by the DNI to use the Committee spaces for such an all-comers briefing. Andy

-----  
Sent from my BlackBerry Wireless Handheld

----- Original Message

From: [Redacted]  
To: Johnson, A (Intelligence); Dubee, M (Intelligence); Tucker, L (Intelligence); Johnson, K (Intelligence); Davidson, M (Intelligence); Livingston, J (Intelligence); Wolfe, J (Intelligence); Rosenblum, T (Intelligence); Chapman, Eric (Intelligence)  
Cc: [Redacted] Sarah Roland

<Sarah.E.Roland@usdoj.gov>

Sent: Thu Sep 13 18:14:42 2007  
Subject: FISA-Protect America Act Implementation NSA-DoJ, ODNI Member Bfngs in Hart 219 on Tuesday, September 18, 10:30-12 noon

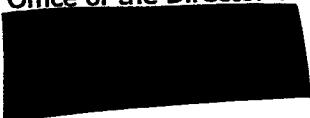
Per several requests from Members of Congress, NSA has arranged to provide briefings on Capitol Hill on FISA Implementation and the implementation of the Protect America Act. The briefings are open to all Members of Congress as well as to Staff cleared at the TS SCI level. There will be two offerings to the Senate on Tuesday, 18 September 2007 as below. Please inform Members your Members. The schedule is as follow:

1030-1200 hours (Hart 219) (Members of the SSCI)

Please contact my office or NSA Legislative Affairs if you have any questions. Please disseminate this email to all SSCI Members and Staff.

\*\*\*\*\*

Kathleen Turner  
Director of Legislative Affairs  
Office of the Director of National Intelligence





b2/b4



**From:** "DeBaca,Lou" <[redacted]@mail.house.gov>  
**To:** [redacted], "Delaney,Mike" <[redacted]@mail.house.gov>, "Parker,Wyndee" <[redacted]@mail.house.gov>, "Bash,Jeremy" <[redacted]@mail.house.gov>, "Lewis,James" <[redacted]@mail.house.gov>, "Donesa,Chris" <[redacted]@mail.house.gov>, "Jepson,Kristin" <[redacted]@mail.house.gov>, "Leaman,Stephanie" <[redacted]@mail.house.gov>, "Morrison,David" <[redacted]@mail.house.gov>, "Shank,John" <[redacted]@mail.house.gov>, "Juola,Paul" <[redacted]@mail.house.gov>, "Harris,Adam" <[redacted]@mail.house.gov>, "Pagelsen,Linda" <[redacted]@mail.house.gov>, "Albright,Leslie" <[redacted]@mail.house.gov>, "Conaton,Erin" <[redacted]@mail.house.gov>, "Simmons,Bob" <[redacted]@mail.house.gov>, "DeGrasse,Bob" <[redacted]@mail.house.gov>, "Apelbaum,Perry" <[redacted]@mail.house.gov>, "Gibson,Joseph" <[redacted]@mail.house.gov>, "McLaughlin,Sean" <[redacted]@mail.house.gov>, "Lowry,Ashley" <[redacted]@mail.house.gov>

**cc:** [redacted] "Sarah Roland" <Sarah.E.Roland@usdoj.gov>, [redacted]

**Date:** Friday, September 14, 2007 12:55PM  
**Subject:** RE: FISA-Protect America Act Implementation NSA-DoJ-ODNI Member Bfngs in H-405 on Tuesday, September 18, 2-4 pm

Kathleen, given that HJC will be in the hearing with the DNI on Tuesday, which will extend into that time slot, we would ask for a separate such briefing for HJC Members, rather than trying to do it on Tuesday.

Lou de Baca  
 Counsel, Committee on the Judiciary  
 U.S. House of Representatives  
 2138 Rayburn House Office Building  
 Washington, DC 20515



Email: [redacted]@mail.house.gov

b2/b4



**From:** [Redacted]  
**Sent:** Thursday, September 13, 2007 6:36 PM  
**To:** Delaney, Mike; Parker, Wyndee; Bash, Jeremy; Lewis, James; Donesa, Chris; Jepson, Kristin; Leaman, Stephanie; Morrison, David; Shank, John; Juola, Paul; Harris, Adam; Pagelsen, Linda; Albright, Leslie; Conaton, Erin; Simmons, Bob; DeGrasse, Bob; Apelbaum, Perry; DeBaca, Lou; Gibson, Joseph; McLaughlin, Sean; Lowry, Ashley  
**Cc:** [Redacted] Sarah Roland; [Redacted]  
**Subject:** FISA-Protect America Act Implementation NSA-DoJ-ODNI Member Bfngs in H-405 on Tuesday, September 18, 2-4 pm

Per several requests from Members of Congress, NSA has arranged to provide a classified briefing on Capitol Hill on FISA and the implementation of the Protect America Act. The briefings are open to Members of Congress as well as to Staff cleared at the TS-SCI level. There is a briefing scheduled for **Members and TS-SCI Cleared Staff of the HPSCI, HJC, HAC-D and HASC on Tuesday, 18 September 2007, from 2:00 - 4:00 pm in H-405 of the Capitol.** Please inform your Members. RSVPs would be appreciated to [Redacted] and [Redacted] of NSA Legislative Affairs, [Redacted] and [Redacted].

Please contact my office or NSA Legislative Affairs if you have any questions. Please disseminate this email to Members and TS-SCI-cleared Staff.

\*\*\*\*\*

Kathleen Turner  
 Director of Legislative Affairs  
 Office of the Director of National Intelligence



b2/b6



**From:** "Davidson, M (Intelligence)" <[REDACTED]@ssci.senate.gov>  
**To:** [REDACTED]  
**cc:** "Livingston, J (Intelligence)" <[REDACTED]@ssci.senate.gov>, "Healey, C (Intelligence)" <[REDACTED]@ssci.senate.gov>, "Rice, K (Intelligence)" <[REDACTED]@ssci.senate.gov>, "Starzak, Alissa (Intelligence)" <[REDACTED]@ssci.senate.gov>

**Date:** Wednesday, April 16, 2008 08:03PM  
**Subject:** Re: Technical FISA edits

**History:** This message has been replied to.

Chris:

Let's talk in the morning about how to proceed on all fronts.

A couple of questions in that regard: What are additional legislative items that may be soon submitted? Would the participants in the Friday meeting have responsibilities regarding them? Would they have to come twice if we met on Friday on the authorization and again next week after additional items are submitted?

Mike

Mike

-----  
 Sent from my BlackBerry Wireless Handheld

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

**From:** [REDACTED]  
**To:** Rice, K (Intelligence); Starzak, Alissa (Intelligence)  
**Cc:** [REDACTED] John Demers <john.demers@usdoj.gov>; [REDACTED] DeRosa, Mary (Judiciary-Dem); Espinel, Zulima (Judiciary-Dem); Solomon, Matthew (Judiciary-Dem); Rossi, Nick (Judiciary-Rep); Easley, Stephanie (Legis Counsel); Henderson, John (Legis Counsel); [REDACTED]@mail.house.gov; [REDACTED]@mail.house.gov>; [REDACTED]@mail.house.gov <[REDACTED]@mail.house.gov>; [REDACTED]@mail.house.gov <[REDACTED]@mail.house.gov>; [REDACTED]@mail.house.gov <[REDACTED]@mail.house.gov>; [REDACTED]@mail.house.gov <[REDACTED]@mail.house.gov>; Livingston, J (Intelligence); Healey, C (Intelligence); Davidson, M (Intelligence)  
**Sent:** Wed Apr 16 19:45:23 2008  
**Subject:** Re: Technical FISA edits

Alissa,

I will just say that I am at the Committee's disposal in whatever manner it

b2/b4



would like to proceed. Just a couple of thoughts: We do have quite a few folks lined up for Friday, it would be difficult - but not impossible - to juggle everyone's schedules and make the change. I would also need to check on the availability of DOJ/NSA for Friday. And, of course, I (and I believe others) would always welcome more time to review the draft you circulated to make sure that we catch all the technical issues.

If, however, the Committee wants to give this priority I will do my best to accomodate. Let me know what you decide.



This message and any attachments may contain confidential or privileged information and are only for the use of the intended recipient of this message. If you are not the intended recipient, please notify the sender by return email, and delete or destroy this and all copies of this message and all attachments.

-----"Rice, K (Intelligence)" <[redacted]@SSCI.senate.gov> wrote: -----

To: "Starzak, Alissa (Intelligence)" <[redacted]@SSCI.senate.gov>,  
[redacted]  
From: "Rice, K (Intelligence)" <[redacted]@SSCI.senate.gov>  
Date: 04/16/2008 07:14PM  
cc: [redacted], <John.Demers@usdoj.gov>, [redacted]  
"DeRosa, Mary (Judiciary-Dem)" <Mary\_DeRosa@Judiciary-dem.senate.gov>;  
"Espinel, Zulima (Judiciary-Dem)" <[redacted]@Judiciary-dem.senate.gov>, "Solomon, Matthew (Judiciary-Dem)" <[redacted]@Judiciary-dem.senate.gov>, "Rossi, Nick (Judiciary-Rep)" <[redacted]@judiciary-rep.senate.gov>, "Easley, Stephanie (Legis Counsel)" <[redacted]@slc.senate.gov>, "Henderson, John (Legis Counsel)" <[redacted]@slc.senate.gov>, [redacted]@mail.house.gov>, [redacted]@mail.house.gov>, [redacted]@mail.house.gov>, [redacted]@mail.house.gov>, "Livingston, J (Intelligence)" <[redacted]@SSCI.senate.gov>, "Healey, C (Intelligence)" <[redacted]@SSCI.senate.gov>, "Davidson, M (Intelligence)" <[redacted]@SSCI.senate.gov>  
Subject: Re: Technical FISA edits

I think it is more important to meet on the intel auth bill on Friday given that mark-up is approaching fairly quickly after that. The technical edits can be worked out any time next week.

----- Original Message -----  
From: Starzak, Alissa (Intelligence)  
To: [redacted]

b2/b6



Cc: [redacted] John Demers <john.demers@usdoj.gov>;  
 [redacted]; DeRosa, Mary  
 (Judiciary-Dem); Espinel, Zulima (Judiciary-Dem); Solomon, Matthew  
 (Judiciary-Dem); Rossi, Nick (Judiciary-Rep); Easley, Stephanie (Legis  
 Counsel); Henderson, John (Legis Counsel); Bayer, Philip  
 [redacted]@mail.house.gov>; Greenwald, Eric  
 [redacted]@mail.house.gov>; [redacted]@mail.house.gov  
 [redacted]@mail.house.gov>; [redacted]@mail.house.gov  
 [redacted]@mail.house.gov>; DeBaca, Lou <[redacted]@mail.house.gov>;  
 Livingston, J (Intelligence); Rice, K (Intelligence); Healey, C  
 (Intelligence); Davidson, M (Intelligence)  
 Sent: Wed Apr 16 19:11:27 2008  
 Subject: RE: Technical FISA edits



What if we make some time for you on Friday, by switching out our Friday morning meeting on the authorization bill until Tuesday morning, and meeting instead on the FISA technical edits on Friday morning at 10 am? The switch actually makes a lot of sense -- it would allow us to get started on FISA this week, which we think is really important, and it would give us a chance to talk to you all next week about the authorization bill provisions that we haven't seen yet.

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

From: [redacted]  
 Sent: Wednesday, April 16, 2008 3:35 PM  
 To: Starzak, Alissa (Intelligence)  
 Cc: [redacted] John Demers; [redacted]  
 DeRosa, Mary (Judiciary-Dem); Espinel, Zulima (Judiciary-Dem); Solomon, Matthew (Judiciary-Dem); Rossi, Nick (Judiciary-Rep); Easley, Stephanie (Legis Counsel); Henderson, John (Legis Counsel); Bayer, Philip; Greenwald, Eric; [redacted]@mail.house.gov; [redacted]@mail.house.gov; DeBaca, Lou; Livingston, J (Intelligence); Rice, K (Intelligence); Healey, C (Intelligence); Davidson, M (Intelligence)  
 Subject: Re: Technical FISA edits

Alissa, Friday is bad for me. How is Tuesday next week?



This message and any attachments may contain confidential or privileged information and are only for the use of the intended recipient of this message. If you are not the intended recipient, please notify the sender by return email, and delete or destroy this and all copies of this message and all attachments.

b2/b6

-----"Starzak, Alissa (Intelligence)" <[REDACTED]@ssci.senate.gov> wrote:  
-----

To: [REDACTED] "Ben Powell" <[REDACTED]>  
"Demers, John" <John.Demers@usdoj.gov>, [REDACTED]  
[REDACTED] "DeRosa, Mary (Judiciary-Dem)"  
<[REDACTED]@Judiciary-dem.senate.gov>, "Espinel, Zulima (Judiciary-Dem)"  
<[REDACTED]@Judiciary-dem.senate.gov>, "Solomon, Matthew  
(Judiciary-Dem)" <[REDACTED]@Judiciary-dem.senate.gov>, "Rossi, Nick  
(Judiciary-Rep)" <[REDACTED]@judiciary-rep.senate.gov>, "Easley, Stephanie  
(Legis Counsel)" <[REDACTED]@slc.senate.gov>, "Henderson, John (Legis  
Counsel)" <[REDACTED]@slc.senate.gov>, "Bayer, Philip"  
<[REDACTED]@mail.house.gov>, "Greenwald, Eric"  
<[REDACTED]@mail.house.gov>, <[REDACTED]@mail.house.gov>, "Bash,  
Jeremy" <[REDACTED]@mail.house.gov>, "DeBaca, Lou"  
<[REDACTED]@mail.house.gov>, "Livingston, J (Intelligence)"  
<[REDACTED]@ssci.senate.gov>, "Rice, K (Intelligence)"  
<[REDACTED]@ssci.senate.gov>  
From: "Starzak, Alissa (Intelligence)" <[REDACTED]@ssci.senate.gov>  
Date: 04/16/2008 12:45PM  
cc: "Healey, C (Intelligence)" <[REDACTED]@ssci.senate.gov>, "Davidson, M  
(Intelligence)" <[REDACTED]@ssci.senate.gov>  
Subject: Technical FISA edits

As we've discussed with most of you, we think it would be useful to sit down on a bipartisan, bicameral basis with administration folks and leg counsel to discuss technical edits to the FISA bill (separate from the discussion about the bigger policy questions). In an effort to facilitate that discussion, I've prepared a redline of the Senate bill that incorporates technical changes proposed by legislative counsel, changes to the Senate bill in the House bill (many of which are technical), and changes incorporated in the proposal that we circulated on March 14th. I did my best to include everything from all three versions of the bill. In other words, if someone notices something important missing, please let me know. I bracketed sections that clearly reflect policy issues. I also bracketed provisions that involved technical issues with which I thought merited some additional discussion. As we go through the bill, I think it will be pretty easy to identify which brackets are which.

I understand that House legislative counsel is tied up on another bill until Friday, so I would propose that we get together on Friday afternoon, around 1:00 pm, to begin the technical discussion. If that works for everyone, John or Philip, would you be willing to host us in one of the leg counsel conference rooms? Also, if anyone notices that I missed someone who should be involved, please make sure they are invited.

b2/b6



(See attached file: FISA technical edits 2.doc)

b2/b4

[REDACTED]

**From:** "Rice, K (Intelligence)" <[REDACTED]@SSCI.senate.gov>  
**To:** "Starzak, Alissa (Intelligence)" <[REDACTED]@SSCI.senate.gov>, "Demers, John" <John.Demers@usdoj.gov>, [REDACTED]  
**cc:** "Davidson, M (Intelligence)" <[REDACTED]@SSCI.senate.gov>, [REDACTED],  
 "Easley, Stephanie (Legis Counsel)" <[REDACTED]@slc.senate.gov>,  
 "Henderson, John (Legis Counsel)" <[REDACTED]@slc.senate.gov>,  
 [REDACTED]@mail.house.gov, "DeRosa, Mary (Judiciary-Dem)" <[REDACTED]@Judiciary-dem.senate.gov>,  
 "Espinel, Zulima (Judiciary-Dem)" <[REDACTED]@Judiciary-dem.senate.gov>,  
 "Solomon, Matthew (Judiciary-Dem)" <[REDACTED]@Judiciary-dem.senate.gov>,  
 [REDACTED]@mail.house.gov <[REDACTED]@mail.house.gov>,  
 "Rossi, Nick (Judiciary-Rep)" <[REDACTED]@judiciary-rep.senate.gov>,  
 [REDACTED]@mail.house.gov, [REDACTED]@mail.house.gov, [REDACTED],  
 "Livingston, J (Intelligence)" <[REDACTED]@SSCI.senate.gov>,  
 "Healey, C (Intelligence)" <[REDACTED]@SSCI.senate.gov>, [REDACTED]

**Date:** Tuesday, April 22, 2008 04:12PM  
**Subject:** RE: Technical FISA edits -- Tuesday, April 22, 10 am, SD-668 (Senate Legislative Counsel)

Following our discussion yesterday, it appears to be premature to discuss any technical edits to bill language. We believe it is best at this point to wait for direction from the members in regard to any further meetings.

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

**From:** Starzak, Alissa (Intelligence)  
**Sent:** Friday, April 18, 2008 1:48 PM  
**To:** 'Demers, John'; [REDACTED]; [REDACTED];  
**Cc:** Davidson, M (Intelligence); [REDACTED]; [REDACTED]; Easley, Stephanie (Legis Counsel); Henderson, John (Legis Counsel); [REDACTED]@mail.house.gov; DeRosa, Mary (Judiciary-Dem); Espinel, Zulima (Judiciary-Dem); Solomon, Matthew (Judiciary-Dem); [REDACTED]@mail.house.gov; [REDACTED]@mail.house.gov; Rossi, Nick (Judiciary-Rep); [REDACTED]@mail.house.gov; [REDACTED]@mail.house.gov; [REDACTED]; Livingston, J (Intelligence); Healey, C (Intelligence); Rice, K (Intelligence); [REDACTED]  
**Subject:** RE: Technical FISA edits -- Tuesday, April 22, 10 am, SD-668 (Senate Legislative Counsel)

9 am is fine for me, and I think it's actually better for some of our House colleagues. Does that pose a problem for anyone?



b2/b6

[REDACTED]

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

From: Demers, John [mailto:John.Demers@usdoj.gov]  
Sent: Friday, April 18, 2008 1:42 PM  
To: Starzak, Alissa (Intelligence); [REDACTED]; Easley,  
Cc: Davidson, M (Intelligence); [REDACTED];  
Stephanie (Legis Counsel); Henderson, John (Legis Counsel);  
philip.bayer@mail.house.gov; DeRosa, Mary (Judiciary-Dem); Espinel,  
Zulima (Judiciary-Dem); Solomon, Matthew (Judiciary-Dem);  
[REDACTED]@mail.house.gov; [REDACTED]@mail.house.gov; Rossi,  
Nick  
(Judiciary-Rep); [REDACTED]@mail.house.gov;  
[REDACTED]@mail.house.gov;  
[REDACTED]; Livingston, J (Intelligence); Healey, C (Intelligence);  
Rice, K (Intelligence); [REDACTED]  
Subject: RE: Technical FISA edits -- Tuesday, April 22, 10 am, SD-668  
(Senate Legislative Counsel)

Alissa and all,

Can we do this earlier (at 9 am)? It will be difficult for DOJ folks  
to start at 10 and be able to be back in time for later appointments.

Thanks,  
John

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

From: Starzak, Alissa (Intelligence)  
[mailto:[REDACTED]@ssci.senate.gov]  
Sent: Friday, April 18, 2008 1:14 PM  
To: [REDACTED]  
Cc: Davidson, M (Intelligence); [REDACTED]; Demers, John; [REDACTED]  
[REDACTED]; Easley, Stephanie (Legis Counsel); Henderson, John (Legis  
Counsel); [REDACTED]@mail.house.gov; DeRosa, Mary (Judiciary-Dem);  
Espinel, Zulima (Judiciary-Dem); Solomon, Matthew (Judiciary-Dem);  
[REDACTED]@mail.house.gov; [REDACTED]@mail.house.gov; Rossi,  
Nick  
(Judiciary-Rep); [REDACTED]@mail.house.gov;  
[REDACTED]@mail.house.gov;  
[REDACTED]; Livingston, J (Intelligence); Healey, C (Intelligence);  
Rice, K (Intelligence); [REDACTED]  
Subject: RE: Technical FISA edits -- Tuesday, April 22, 10 am, SD-668  
(Senate Legislative Counsel)

Great. Let's plan on meeting at Senate Legislative Counsel's offices  
(Dirksen-668) at 10 am on Wednesday.

Also, Stephanie put together a draft of the redline I circulated in  
leg counsel format. It's attached. When we actually sit down, this draft  
should be easier to work with than the redline I circulated.

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

na/bb

From: [redacted]  
Sent: Friday, April 18, 2008 12:57 PM  
To: Starzak, Alissa (Intelligence)  
Cc: Davidson, M (Intelligence); [redacted]; John Demers;  
[redacted]; Easley, Stephanie (Legis Counsel); Henderson,  
John (Legis Counsel); [redacted]@mail.house.gov; DeRosa, Mary  
(Judiciary-Dem); Espinel, Zulima (Judiciary-Dem); Solomon, Matthew  
(Judiciary-Dem); [redacted]@mail.house.gov;  
[redacted]@mail.house.gov; Rossi, Nick (Judiciary-Rep);  
[redacted]@mail.house.gov; [redacted]@mail.house.gov; [redacted];  
Livingston, J (Intelligence); Healey, C (Intelligence); Rice, K  
(Intelligence); [redacted]  
Subject: RE: Technical FISA edits -- Tuesday, April 22, 10 am, SD-668  
(Senate Legislative Counsel)

Alissa,

I am available and I checked with NSA ([redacted] cc'ed above) who  
can  
attend as well.

[redacted]  
ODNI/OGC  
[redacted]

This message and any attachments may contain confidential or  
privileged  
information and are only for the use of the intended recipient of this  
message. If you are not the intended recipient, please notify the  
sender  
by  
return email, and delete or destroy this and all copies of this  
message  
and  
all attachments.

-----"Starzak, Alissa (Intelligence)" <[redacted]@ssci.senate.gov>  
wrote:  
-----

To: [redacted], "Davidson, M (Intelligence)"  
<[redacted]@ssci.senate.gov>  
From: "Starzak, Alissa (Intelligence)" <[redacted]@ssci.senate.gov>  
Date: 04/18/2008 12:28PM  
cc: [redacted], "John Demers" <john.demers@usdoj.gov>,  
[redacted], "Easley, Stephanie (Legis Counsel)"  
[redacted]@slc.senate.gov, "Henderson, John (Legis Counsel)"  
[redacted]@slc.senate.gov, [redacted]@mail.house.gov>,  
"DeRosa,"

b2/b6

[REDACTED]

Mary (Judiciary-Dem) " <[REDACTED]@Judiciary-dem.senate.gov>, "Espinel, Zulima (Judiciary-Dem) " <[REDACTED]@Judiciary-dem.senate.gov>, "Solomon, Matthew (Judiciary-Dem) " <[REDACTED]@Judiciary-dem.senate.gov>, <[REDACTED]@mail.house.gov>, <[REDACTED]@mail.house.gov>, "Rossi, Nick (Judiciary-Rep) " <[REDACTED]@judiciary-rep.senate.gov>, <[REDACTED]@mail.house.gov>, <[REDACTED]@mail.house.gov>, "Livingston, J (Intelligence) " <[REDACTED]@ssci.senate.gov>, "Healey, C (Intelligence) " <[REDACTED]@ssci.senate.gov>, "Rice, K (Intelligence) " <[REDACTED]@ssci.senate.gov>  
 Subject: RE: Technical FISA edits -- Tuesday, April 22, 10 am, SD-668 (Senate Legislative Counsel)

What about Wednesday morning at 10 am? Would that work for everyone?

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

From: [REDACTED]  
 Sent: Friday, April 18, 2008 9:17 AM  
 To: Davidson, M (Intelligence)  
 Cc: [REDACTED]; John Demers; [REDACTED]; Easley, Stephanie (Legis Counsel); Henderson, John (Legis Counsel); [REDACTED]@mail.house.gov; DeRosa, Mary (Judiciary-Dem); Espinel, Zulima (Judiciary-Dem); Solomon, Matthew (Judiciary-Dem); [REDACTED]@mail.house.gov; [REDACTED]@mail.house.gov; Rossi, Nick (Judiciary-Rep); [REDACTED]@mail.house.gov; [REDACTED]@mail.house.gov; Livingston, J (Intelligence); Healey, C (Intelligence); Rice, K (Intelligence); Starzak, Alissa (Intelligence)  
 Subject: Re: Technical FISA edits -- Tuesday, April 22, 10 am, SD-668 (Senate Legislative Counsel)

Mike - I appologize for this, but some unavoidable conflicts have arisen Tuesday morning. Can we push it back? or do Wednesday is free. Lets talk when I am down there this morning.

[REDACTED]  
 ODNI/OGC  
 [REDACTED]

This message and any attachments may contain confidential or privileged information and are only for the use of the intended recipient of this message. If you are not the intended recipient, please notify the

b2/bc

[REDACTED]

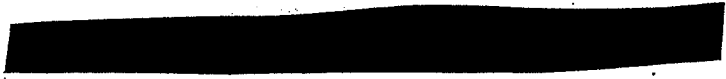
sender  
by  
return email, and delete or destroy this and all copies of this  
message  
and  
all attachments.

-----"Davidson, M (Intelligence)" <[REDACTED]@ssci.senate.gov> wrote:  
-----

To: [REDACTED], "Ben Powell" [REDACTED],  
"Demers,  
John (NSD)" <John.Demers@usdoj.gov>, [REDACTED]  
[REDACTED], "Easley, Stephanie (Legis Counsel)"  
<[REDACTED]@slc.senate.gov>, "Henderson, John (Legis Counsel)"  
<[REDACTED]@slc.senate.gov>, <[REDACTED]@mail.house.gov>,  
"DeRosa,  
Mary (Judiciary-Dem)" <[REDACTED]@Judiciary-dem.senate.gov>,  
"Espinel,  
Zulima (Judiciary-Dem)" <[REDACTED]@Judiciary-dem.senate.gov>,  
"Solomon, Matthew (Judiciary-Dem)"  
<[REDACTED]@Judiciary-dem.senate.gov>,  
<[REDACTED]@mail.house.gov>,  
<[REDACTED]@mail.house.gov>, "Rossi, Nick (Judiciary-Rep)"  
<[REDACTED]@judiciary-rep.senate.gov>, <[REDACTED]@mail.house.gov>,  
<[REDACTED]@mail.house.gov>,  
From: "Davidson, M (Intelligence)" <[REDACTED]@ssci.senate.gov>  
Date: 04/17/2008 06:54PM  
cc: "Livingston, J (Intelligence)" <[REDACTED]@ssci.senate.gov>,  
"Healey,  
C (Intelligence)" <[REDACTED]@ssci.senate.gov>, "Rice, K (Intelligence)"  
<[REDACTED]@ssci.senate.gov>, "Starzak, Alissa (Intelligence)"  
<[REDACTED]@ssci.senate.gov>  
Subject: Technical FISA edits -- Tuesday, April 22, 10 am, SD-668  
(Senate  
Legislative Counsel)

[REDACTED], Alissa, and I had a chance to talk this morning about the  
best  
time to meet on FISA technical edits. [REDACTED] suggested that Tuesday  
(April  
22) would provide him and other ODNI/DOJ/NSA participants time to  
review  
the document Alissa circulated and be prepared to discuss technical  
drafting questions. For those who will be joining the discussion  
(fewer,  
I'm sure, than the entire list above), let's meet at 10 a.m. that day.  
Senate Legislative Counsel, Dirksen 668, will provide a conference  
table.

b2/b6



(Lou and Wyndee or Eric: could you pass this on to any interested Republican colleagues at HPSCI and House Judiciary.)

Mike

b2/b4

[Redacted]

From: [Redacted]  
To: "Starzak, Alissa (Intelligence)" <[Redacted]@ssci.senate.gov>  
cc: [Redacted]

Date: Tuesday, April 22, 2008 11:37AM  
Subject: RE: Technical FISA edits -- Tuesday, April 22, 10 am, SD-668 (Senate Legislative Counsel)

Alissa,

I just wanted to confirm that we're meeting at 9:00 tomorrow morning - not 10:00.

Thanks,

[Redacted]

DOJ/NSD

[Redacted]

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

From: Starzak, Alissa (Intelligence) [mailto:[Redacted]@ssci.senate.gov]  
Sent: Friday, April 18, 2008 1:48 PM  
To: Demers, John; [Redacted]; [Redacted]; Easley, Stephanie (Legis Counsel); Henderson, John (Legis Counsel); [Redacted]@mail.house.gov; DeRosa, Mary (Judiciary-Dem); Espinel, Zulima (Judiciary-Dem); Solomon, Matthew (Judiciary-Dem); Wyndee.Parker@mail.house.gov; [Redacted]@mail.house.gov; Rossi, Nick (Judiciary-Rep); [Redacted]@mail.house.gov; [Redacted]@mail.house.gov; [Redacted]; Livingston, J (Intelligence); Healey, C (Intelligence); Rice, K (Intelligence); [Redacted]  
Subject: RE: Technical FISA edits -- Tuesday, April 22, 10 am, SD-668 (Senate Legislative Counsel)

9 am is fine for me, and I think it's actually better for some of our House colleagues. Does that pose a problem for anyone?

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

From: Demers, John [mailto:John.Demers@usdoj.gov]  
Sent: Friday, April 18, 2008 1:42 PM  
To: Starzak, Alissa (Intelligence); [Redacted]  
Cc: Davidson, M (Intelligence); [Redacted]; Easley, Stephanie (Legis Counsel); Henderson, John (Legis Counsel);

b2/b6

[REDACTED]@mail.house.gov; DeRosa, Mary (Judiciary-Dem); Espinel, Zulima (Judiciary-Dem); Solomon, Matthew (Judiciary-Dem); [REDACTED]@mail.house.gov; Rossi, [REDACTED]@mail.house.gov;

Nick (Judiciary-Rep); [REDACTED]@mail.house.gov;

[REDACTED]@mail.house.gov; Livingston, J (Intelligence); Healey, C (Intelligence); Rice, K (Intelligence); [REDACTED]

Subject: RE: Technical FISA edits -- Tuesday, April 22, 10 am, SD-668 (Senate Legislative Counsel)

Alissa and all,

Can we do this earlier (at 9 am)? It will be difficult for DOJ folks to start at 10 and be able to be back in time for later appointments.

Thanks,  
John

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

From: Starzak, Alissa (Intelligence)  
[mailto:[REDACTED]@ssci.senate.gov]

Sent: Friday, April 18, 2008 1:14 PM

To: [REDACTED]  
Cc: Davidson, M (Intelligence); [REDACTED]; Demers, John; [REDACTED]; Easley, Stephanie (Legis Counsel); Henderson, John (Legis Counsel); [REDACTED]@mail.house.gov; DeRosa, Mary (Judiciary-Dem); Espinel, Zulima (Judiciary-Dem); Solomon, Matthew (Judiciary-Dem); [REDACTED]@mail.house.gov; [REDACTED]@mail.house.gov; Rossi, [REDACTED]

Nick (Judiciary-Rep); [REDACTED]@mail.house.gov;

[REDACTED]@mail.house.gov; Livingston, J (Intelligence); Healey, C (Intelligence); Rice, K (Intelligence); [REDACTED]

Subject: RE: Technical FISA edits -- Tuesday, April 22, 10 am, SD-668 (Senate Legislative Counsel)

Great. Let's plan on meeting at Senate Legislative Counsel's offices (Dirksen-668) at 10 am on Wednesday.

Also, Stephanie put together a draft of the redline I circulated in leg counsel format. It's attached. When we actually sit down, this draft should be easier to work with than the redline I circulated.

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

From: [REDACTED]

Sent: Friday, April 18, 2008 12:57 PM

To: Starzak, Alissa (Intelligence)

Cc: Davidson, M (Intelligence); [REDACTED]; John Demers; [REDACTED]; Easley, Stephanie (Legis Counsel); Henderson, John (Legis Counsel); [REDACTED]@mail.house.gov; DeRosa, Mary

9/4/2008 2:21 PM

b2/b6

[REDACTED]  
(Judiciary-Dem); Espinel, Zulima (Judiciary-Dem); Solomon, Matthew (Judiciary-Dem); [REDACTED]@mail.house.gov; [REDACTED]@mail.house.gov; Rossi, Nick (Judiciary-Rep); [REDACTED]@mail.house.gov; [REDACTED]@mail.house.gov; Livingston, J (Intelligence); Healey, C (Intelligence); Rice, K (Intelligence); [REDACTED]  
Subject: RE: Technical FISA edits -- Tuesday, April 22, 10 am, SD-668 (Senate Legislative Counsel)

Alissa,

I am available and I checked with NSA [REDACTED] and [REDACTED] (cc'ed above) who can attend as well.

[REDACTED]  
ODN/VGcc  
[REDACTED]

This message and any attachments may contain confidential or privileged information and are only for the use of the intended recipient of this message. If you are not the intended recipient, please notify the sender by return email, and delete or destroy this and all copies of this message and all attachments.

-----"Starzak, Alissa (Intelligence)" <[REDACTED]@ssci.senate.gov>  
wrote:  
-----

To: [REDACTED], "Davidson, M (Intelligence)" <[REDACTED]@ssci.senate.gov>  
From: "Starzak, Alissa (Intelligence)" <[REDACTED]@ssci.senate.gov>  
Date: 04/18/2008 12:28PM  
Cc: [REDACTED], "John Demers" <john.demers@usdoj.gov>; [REDACTED], "Easley, Stephanie (Legis Counsel)" <[REDACTED]@slc.senate.gov>; "Henderson, John (Legis Counsel)" <[REDACTED]@slc.senate.gov>; [REDACTED]@mail.house.gov>; "DeRosa, Mary (Judiciary-Dem)" <[REDACTED]@Judiciary-dem.senate.gov>; "Espinel, Zulima (Judiciary-Dem)" <[REDACTED]@Judiciary-dem.senate.gov>; "Solomon, Matthew (Judiciary-Dem)" <[REDACTED]@Judiciary-dem.senate.gov>; [REDACTED]@mail.house.gov>;

9/4/2008 2:21 PM



b2/b6

[Redacted]

[Redacted]@mail.house.gov>, "Rossi, Nick (Judiciary-Rep)"  
[Redacted]@judiciary-rep.senate.gov>, <[Redacted]@mail.house.gov>,  
[Redacted]@mail.house.gov>,  
"Livingston,  
J (Intelligence)" <[Redacted]@ssci.senate.gov>, "Healey, C  
(Intelligence)" <[Redacted]@ssci.senate.gov>, "Rice, K (Intelligence)"  
<[Redacted]@ssci.senate.gov>  
Subject: RE: Technical FISA edits -- Tuesday, April 22, 10 am, SD-668  
(Senate Legislative Counsel)

What about Wednesday morning at 10 am? Would that work for everyone?

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

From: [Redacted]  
Sent: Friday, April 18, 2008 9:17 AM  
To: Davidson, M (Intelligence)  
Cc: [Redacted]; John Demers;  
[Redacted];  
Easley, Stephanie (Legis Counsel); Henderson, John (Legis Counsel);  
[Redacted]@mail.house.gov; DeRosa, Mary (Judiciary-Dem); Espinel,  
Zulima  
(Judiciary-Dem); Solomon, Matthew (Judiciary-Dem);  
[Redacted]@mail.house.gov; [Redacted]@mail.house.gov; Rossi,  
Nick  
(Judiciary-Rep); [Redacted]@mail.house.gov;  
[Redacted]@mail.house.gov;  
[Redacted]; Livingston, J (Intelligence); Healey, C (Intelligence);  
Rice, K  
(Intelligence); Starzak, Alissa (Intelligence)  
Subject: Re: Technical FISA edits -- Tuesday, April 22, 10 am, SD-668  
(Senate Legislative Counsel)

Mike - I appologize for this, but some unavoidable conflicts have  
arisen  
Tuesday morning. Can we push it back? or do Wednesday is free. Lets  
talk  
when I am down there this morning.

[Redacted]  
ODNI/OGC  
[Redacted]

This message and any attachments may contain confidential or  
privileged  
information and are only for the use of the intended recipient of this  
message. If you are not the intended recipient, please notify the  
sender  
by  
return email, and delete or destroy this and all copies of this  
message  
and  
all attachments.

b2/b6

-----"Davidson, M (Intelligence)" <[REDACTED]@ssci.senate.gov> wrote:  
-----

To: [REDACTED], "Ben Powell" [REDACTED],  
"Demers,  
John (NSD)" <John.Demers@usdoj.gov>, [REDACTED],  
[REDACTED], "Easley, Stephanie (Legis Counsel)"  
[REDACTED]@slc.senate.gov>, "Henderson, John (Legis Counsel)"  
[REDACTED]@slc.senate.gov>, <[REDACTED]@mail.house.gov>,  
"DeRosa,  
Mary (Judiciary-Dem)" <[REDACTED]@Judiciary-dem.senate.gov>,  
"Espinel,  
Zulima (Judiciary-Dem)" <[REDACTED]@Judiciary-dem.senate.gov>,  
"Solomon, Matthew (Judiciary-Dem)"  
[REDACTED]@Judiciary-dem.senate.gov>,  
[REDACTED]@mail.house.gov>,  
[REDACTED]@mail.house.gov>, "Rossi, Nick (Judiciary-Rep)"  
[REDACTED]@judiciary-rep.senate.gov>, <[REDACTED]@mail.house.gov>,  
[REDACTED]@mail.house.gov>,  
From: "Davidson, M (Intelligence)" <[REDACTED]@ssci.senate.gov>  
Date: 04/17/2008 06:54PM  
cc: "Livingston, J (Intelligence)" <[REDACTED]@ssci.senate.gov>,  
"Healey,  
C (Intelligence)" <[REDACTED]@ssci.senate.gov>, "Rice, K (Intelligence)"  
<[REDACTED]@ssci.senate.gov>, "Starzak, Alissa (Intelligence)"  
<[REDACTED]@ssci.senate.gov>  
Subject: Technical FISA edits -- Tuesday, April 22, 10 am, SD-668  
(Senate  
Legislative Counsel)

[REDACTED], Alissa, and I had a chance to talk this morning about the best time to meet on FISA technical edits. [REDACTED] suggested that Tuesday (April 22) would provide him and other ODNI/DOJ/NSA participants time to review the document Alissa circulated and be prepared to discuss technical drafting questions. For those who will be joining the discussion (fewer, I'm sure, than the entire list above), let's meet at 10 a.m. that day. Senate Legislative Counsel, Dirksen 668, will provide a conference table. (Lou and Wyndee or Eric: could you pass this on to any interested Republican colleagues at HPSCI and House Judiciary.)

Mike