



**U.S. Department of Justice**  
Drug Enforcement Administration

JUN 25 2009

Case Number: 08-0693-F

Subject: REPORTS SUBMITTED BY THE DEA TO THE INTELLIGENCE OVERSIGHT BOARD (IOB) PURSUANT TO SECTION 2.4 OF E.O.12863 SINCE 01/01/01

Marcia Hofmann  
Staff Attorney  
Electronic Frontier Foundation  
454 Shotwell Street  
San Francisco, California 94110

Dear Ms. Hofmann:

This letter responds to your Freedom of Information/Privacy Act (FOI/PA) request dated February 25, 2008, addressed to the Drug Enforcement Administration (DEA), FOI/Records Management Section, Operations Unit (SARO), seeking access to information regarding the above subject.

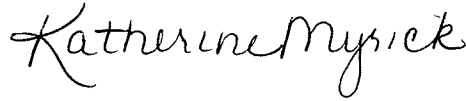
The processing of your request identified certain materials that will be released to you. Portions not released are being withheld pursuant to the Freedom of Information Act, 5 U.S.C. 552, and/or the Privacy Act, 5 U.S.C. 552a. Please refer to the list enclosed with this letter that identifies the authority for withholding the deleted material, which is indicated by a mark appearing in the block next to the exemption. An additional enclosure with this letter explains these exemptions in more detail. The documents are being forwarded to you with this letter.

If you wish to appeal any denial of your request, you must make your appeal in writing and it must be received by the Office of Information Policy within 60 days of the date of this letter pursuant to 28 C.F.R. 16.9. The appeal should be sent to the following address, with the envelope marked "FOIA Appeal":

DEPARTMENT OF JUSTICE  
OFFICE OF INFORMATION POLICY  
NYAV BUILDING, 11<sup>TH</sup> FLOOR  
WASHINGTON, D.C. 20530

If you have any questions regarding this letter, you may contact FOI Specialist Y. Johnson on (202) 307-7602.

Sincerely,



Katherine L. Myrick  
Chief, Operations Unit  
FOI/Records Management Section

Number of pages withheld: 0

Number of pages released: 18

Number of pages referred: 0

Number of pages consulted: 0

**APPLICABLE SECTIONS OF THE FREEDOM OF INFORMATION AND/OR PRIVACY ACT:**

**Freedom of Information Act  
5 U.S.C. 552**

**Privacy Act  
5 U.S.C. 552a**

(b)(1)     (b)(5)     (b)(7)(C)

(d)(5)     (k)(2)

(b)(2)     (b)(6)     (b)(7)(D)

(j)(2)     (k)(5)

(b)(3)     (b)(7)(A)     (b)(7)(E)

(k)(1)     (k)(6)

(b)(4)     (b)(7)(B)     (b)(7)(F)

Enclosures

FREEDOM OF INFORMATION ACT  
SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) Information which is currently and properly classified pursuant to Executive Order in the interest of the national defense or foreign policy.
- (b)(2) Materials related solely to the internal rules and practices of DEA.
- (b)(3) Information specifically exempted from disclosure by another federal statute.
- (b)(4) Privileged or confidential information obtained from a person, usually involving commercial or financial matters.
- (b)(5) Inter-agency or intra-agency documents which are subject to a privilege, such as documents the disclosure of which would have an inhibitive effect upon the development of policy and administrative direction, or which represent the work product of an attorney, or which reflect confidential communications between a client and an attorney.
- (b)(6) Materials contained in sensitive records such as personnel or medical files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.
- (b)(7) Records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings; (B) would deprive a person of a right to a fair trial or an impartial adjudication; (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy; (D) could reasonably be expected to disclose the identity of a confidential source, including a State, local or foreign agency or authority or any private institution which furnished information on a confidential basis; and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source; (E) would disclose techniques and procedures for law enforcement investigations or prosecutions or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual.

PRIVACY ACT  
SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) Materials compiled in reasonable anticipation of a civil action or proceeding.
- (j)(2) Material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals.
- (k)(1) Information which is currently and properly classified pursuant to Executive Order in the interest of the national defense or foreign policy.
- (k)(2) Material compiled during civil investigations for law enforcement purposes.
- (k)(5) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to an express promise that his identity would be held in confidence, or pursuant to an implied promise of confidentiality if such information was furnished prior to September 27, 1975.
- (k)(6) The substance of tests used to determine individual qualifications for appointment or promotion in Federal Government Service.

## Contact Information for ODNI IOB Team

### **SIGNIFICANT or HIGHLY SENSITIVE IMMEDIATE REPORTING:**

ODNI-IOB-Team@mail.dni.ic.gov (classified) or

ODNI-IOB-Team@ugov.gov (unclassified)

ODNI Office of General Counsel at (703) 275-2529 or 2527

ODNI Office of the Inspector General at (703) 482-4955

CIA CWE users only:

ODNI-IOB-TEAM (classified)

### **QUARTERLY REPORTING**

Quarterly reporting to the ODNI IOB Team is through the ODNI Executive Secretariat at:

DNI-Executive\_Secretariat.wma@dni.ic.gov (classified) or

DNI-ExecutiveSecretariat@ugov.gov (unclassified)

Electronic reports to the ODNI IOB Team via the classified system are preferred. However, if necessary, hardcopy reports may be submitted via courier to the ODNI Executive Secretariat, Room 6B300, LX-2.

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U.S. Department of Justice  
Drug Enforcement Administration

www.dea.gov

VIA FACSIMILE

JAN 15 2008

Honorable Stephen Friedman  
Chairman, Intelligence Oversight Board  
New Executive Office Building  
Washington, D.C. 20502

Re: Fourth Quarter – 2008 Reporting

Dear Mr. Chairman:

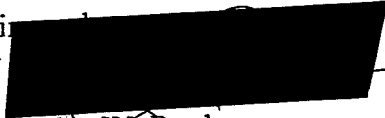
This memorandum responds to the quarterly reporting requirement of the *Criteria on Thresholds for Reporting Intelligence Oversight Matters and Instructions Relating to Formatting and Scheduling* (hereinafter *Criteria*) issued pursuant to the authority of Executive Order 13462.

Executive Order 13462 requires all Intelligence Community components to report intelligence activities they have reason to believe may be unlawful or contrary to an Executive Order or Presidential Directive. This quarterly report also covers any matters considered “significant or highly sensitive,” as defined in the *Criteria*.

On August 28, 2008, the Attorney General, Michael B. Mukasey, executed Order 2996-2008, authorizing the Administrator of the Drug Enforcement Administration to designate as the responding official, the Deputy Chief of Intelligence, Office of National Security Intelligence. (A copy of Order 2996-2008 is attached hereto).

This office is not aware of any reportable intelligence oversight activities or matters occurring during the period October 1, 2008 to December 31, 2008.

Signed

 b6  
Douglas W. Poole  
Deputy Chief of Intelligence  
Office of National Security Intelligence

cc: J. M. McConnell, Director of National Intelligence  
J. Patrick Rowan, Assistant Attorney General, National Security Division



# Office of the Attorney General

Washington, D.C.

ORDER NO. 2996-2008

## AUTHORIZATION OF THE ADMINISTRATOR OF THE DRUG ENFORCEMENT ADMINISTRATION TO EXERCISE CERTAIN FUNCTIONS UNDER SECTION 8 OF EXECUTIVE ORDER 13462 OF FEBRUARY 29, 2008

Pursuant to the authority vested in the Attorney General by law, including 28 U.S.C. § 510 and section 8 of Executive Order 13462 of February 29, 2008; I hereby order as follows:

1. The Administrator of the Drug Enforcement Administration (DEA) is authorized to:

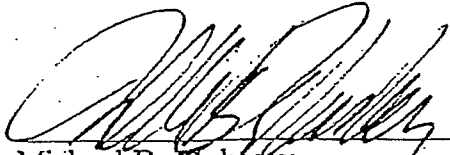
- (a) Provide, to the extent permitted by law, to the President's Intelligence Advisory Board (PIAB) and the Intelligence Oversight Board (IOB) such information and assistance as they may need to perform functions under Executive Order 13462.
- (b) Ensure that the Director of National Intelligence (DNI) receives:  
(A) copies of reports submitted to the IOB pursuant to section 1.6(c) of Executive Order 12333, as amended, or a corresponding provision of any successor order; and (B) such information and assistance as the DNI may need to perform functions under Executive Order 13462.
- (c) Designate the adjudication officials, having a rank no lower than that of the Deputy Chief of Intelligence, Office of National Security Intelligence or Deputy Chief Counsel, or the equivalent, within the DEA who shall submit reports to the IOB required by executive order and inform the DNI and the IOB of such designations.
- (d) Ensure that the DEA Office of National Security Intelligence complies with instructions issued by the DNI under subsection 7(a)(ii) of Executive Order 13462.
- (e) If the Administrator of the DEA does not implement a recommendation from the PIAB under subsection 4(b) of Executive Order 13462 or from the IOB under subsection 6(c) or 6(d) of Executive Order 13462, promptly report through the

DNI to the Board that made the recommendation the reasons for not implementing the recommendation.

2. The DEA shall only report on IOB matters that originate from the DEA Office of National Security Intelligence.

3. The DEA shall provide to the Assistant Attorney General for National Security copies of any reports provided to the DNI pursuant to subsection 1(b)(A) or subsection 1(e) of this order.

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\_\_\_\_\_  
Michael B. Mukasey  
Attorney General

August 28, 2008

\_\_\_\_\_  
Date



**THIRD QUARTER  
2008 REPORTING**



U.S. Department of Justice  
Drug Enforcement Administration

[www.dea.gov](http://www.dea.gov)

Arlington, VA 22202  
October 31, 2008

*VIA FACSIMILE*

Honorable Stephen Friedman  
Chairman, Intelligence Oversight Board  
New Executive Office Building  
Washington, D.C. 20502

Re: Third Quarter – 2008 Reporting

Dear Mr. Chairman:

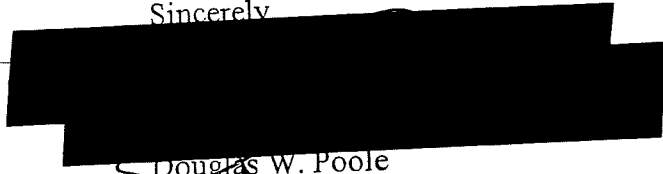
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This office is not aware of any reportable intelligence oversight activities or matters occurring during the period July 1, 2008 to September 30, 2008.

Sincerely

 bcl

Douglas W. Poole  
Deputy Chief of Intelligence  
Office of National Security Intelligence

cc: J. M. McConnell, Director of National Intelligence  
J. Patrick Rowan, Assistant Attorney General, National Security Division



Office of the Attorney General  
Washington, D.C.

ORDER NO. 2996-2008

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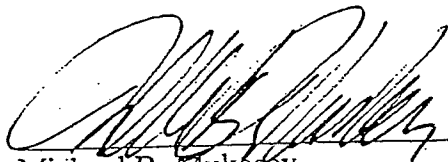
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Michael B. Mukasey  
Attorney General

August 28, 2008

Date



Department of Justice  
Drug Enforcement Administration

FAX Transmittal Sheet for UNCLASSIFIED Information Only

1

10 / 31 / 2008  
Transmission Date (MM/DD/YYYY)

2

Number of pages being transmitted  
(Including this transmittal sheet)

5

3

TO: FAX FTS #: 202-395-3403

FAX COMMERCIAL #: \_\_\_\_\_

NAME: Honorable Stephen Friedman  
Chairman, Intelligence Oversight Board

PHONE: \_\_\_\_\_

OFFICE/ORG: Intelligence Oversight Board

4

FROM: FAX FTS #: 202-307-5022

FAX COMMERCIAL #: \_\_\_\_\_

NAME: Douglas W. Poole, Deputy Chief of Intelligence

PHONE: 202-307-7600

OFFICE/ORG: DEA, Office of National Intelligence

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Additional Comments

Attached please find the Third Quarter - 2008 Report filed on behalf of  
the Drug Enforcement Administration. If you have any questions, please  
do not hesitate to contact me.

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[www.dea.gov](http://www.dea.gov)

VIA FACSIMILE

MEMORANDUM

TO: Honorable Stephen Friedman  
Chairman, Intelligence Oversight Board

Honorable J. M. McConnell  
Director of National Intelligence

FROM: Douglas W. Poole  
Deputy Chief of Intelligence  
Office of National Security Intelligence

SUBJECT: Third Quarter – 2008 Reporting

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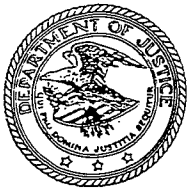
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cc (w/attachment): J. Patrick Rowan, Assistant Attorney General, National Security Division



Office of the Attorney General  
Washington, D.C.

ORDER NO. 2996-2008

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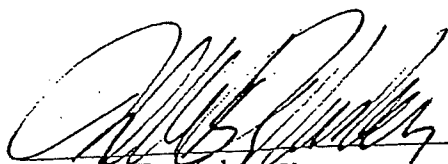
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Michael B. Mukasey  
Attorney General

August 28, 2008

Date

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FIRST QUARTER  
2008 REPORTING

# Memorandum



Subject

DEA's Response to the Office of National Security's  
Memorandum of February 5, 2008, Intelligence Matters  
Considered But Not Reported to the Intelligence Oversight  
Board


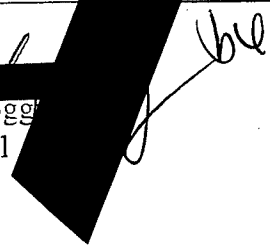
Date

MAR 12 2008

To

Ben Powell  
General Counsel  
Office of the Director  
of National Intelligence

From

  
Wendy H. Goggin  
Chief Counsel 

The Drug Enforcement Administration (DEA) does not have legal authority to engage in the types of intelligence activities that are the subject of the Intelligence Oversight Board (IOB) reporting requirements, including those activities contemplated by the April 17, 2007, reporting guidelines of the Assistant to the President for National Security Affairs (APNSA), or the recently issued Executive Order 13462. Accordingly, DEA has no matters to report, pursuant to the APNSA guidelines, that were considered and not reported. Any intelligence produced by DEA is derived from DEA's criminal investigative and regulatory activities undertaken pursuant to its law enforcement legal authorities.

Attachment



Office of the Attorney General  
Washington, D.C.

ORDER NO. 2996-2008

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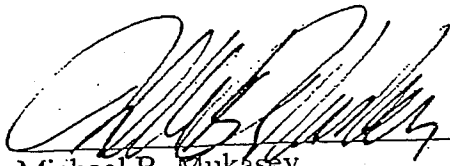
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Michael B. Mukasey  
Attorney General

August 28, 2008

Date