

UNCLASSIFIED

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
IOB MATTER 2008-327 (U)

(U) On [redacted], [redacted] initiated a [redacted] [redacted] on a U.S. person. The initial [redacted] opening was approved by a Supervisory Special Agent (SSA), not a Assistant Special Agent in Charge (ASAC). On [redacted], the [redacted] ASAC, who was authorized by the SAC, authorized the [redacted] [redacted]. There is no issue with the underlying predication of the case. Instigative activity, including interviews, took place after the improperly authorized opening of the [redacted] [redacted]

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(U) In and of itself, an SAA approval of a [redacted] [redacted] of any person other than a foreign visitor violates the NSIG. The question then becomes whether is violation is administrative in nature. Here, investigative activity occurred without having the appropriate authority level granted. In the absence of a [redacted], however, the FBI may utilize techniques allowed threat assessments.

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(U) Neither [redacted] was opened and [redacted] utilized techniques beyond those permitted in [redacted] techniques requiring either [redacted] [redacted] to be opened. Therefore, because [redacted] engaged in investigative activity beyond that allowed in [redacted] [redacted] violated the NSIG in engaging in this investigative activity. This error, therefore, is not administrative in nature and should be reported to the IOB.

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(U) Per NSB guidance, [redacted] should pursue a Departure from the NSIG in order to retain the information, materials and evidence that was collected after the failure to receive proper authority to operate the investigation. NSB has or will establish specific procedure that should be followed in order to request the Departure. If [redacted] believes the information, materials and information are not necessary to be maintained, they should purge the information and affirmatively notify headquarters of this decision.

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UNCLASSIFIED Hofmann-IOB-1

UNCLASSIFIED

~~Derived From : FBI 10/31/2003 NATIONAL SECURITY INVESTIGATIVE
GUIDELINES~~

- 2 -

UNCLASSIFIED Hofmann-IOB-2

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
IOB MATTER 2008-323 (U)

~~(U)~~ On [redacted], the [redacted] Division [redacted] in support of an authorized [redacted] of a NON U.S. PERSON, issued a National Security Letter (NSL) [redacted] requesting a [redacted] on the subject pursuant to FCRA, 15 U.S.C. § 1681v. The [redacted] Division [redacted] served the NSL and the provider subsequently responded to the NSL request and provided a [redacted] on a person other than the person named in the NSL. Upon discovery of the [redacted] in the name of someone other than the subject [redacted] pulled the [redacted] from the investigative case file and sequestered it in the safe of the [redacted] Chief Division Counsel (CDC). [redacted] later discovered that [redacted] had uploaded the overproduced report. [redacted] advised [redacted] to remove the name and the report from all FBI systems and to report a PIOB.

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(U) In this case, [redacted] correctly issued an NSL to the consumer reporting agency requesting a [redacted] pursuant to 15 U.S.C. § 1681v. The [redacted] request was correct because the as the investigation was a [redacted] [redacted] but the provider produced a [redacted] for a person other than the person named in the NSL. The FBI compounded the error by uploading the information into a database. Therefore, as instructed by the IOB, this matter must be reported to the IOB and DNI.

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[redacted]

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~~Derived From : FBI 10/31/2003 NATIONAL SECURITY INVESTIGATIVE GUIDELINES~~

DECLASSIFIED BY 65179 DMH/plj
ON 06-29-2010

31

September 8, 2003

BY COURIER

General Brent Scowcroft (USAF Retired)
Chairman
Intelligence Oversight Board
New Executive Office Building
Washington, D.C.

Dear General Scowcroft:

Enclosed for your information is a self-explanatory
letterhead memorandum (LHM), entitled "Intelligence Oversight
Board (IOB) Matter, [redacted]

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b7E

[redacted] Federal
Bureau of Investigation Headquarters (FBIHQ), 2003-58."

This LHM sets forth details of investigative activity
which the FBI has determined was conducted contrary to the
Attorney General Guidelines for FBI Foreign Intelligence
Collection and Foreign Counterintelligence Investigations and/or
laws, Executive Orders, or Presidential Directives which govern
FBI foreign counterintelligence and international terrorism
investigations. (U)

Enclosure

- 1 - Mr. [redacted]
- 1 - Mr. Pistole
- 1 - Mr. Kelley
- 1 - Mr. [redacted]
- 1 - Mr. [redacted]

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

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- Dep. Dir. _____
- Chief of Staff _____
- Off. of Gen. _____
- Counsel _____
- Asst. Dir.: _____
- Admin. Ser. _____
- Crim. Inv. _____
- CJIS _____
- Finance _____
- Info. Res. _____
- Lab. _____
- National Sec. _____
- OPR _____
- Off. of Public & Cong. Affs. _____
- Training _____
- Off. of EEOA _____
- Director's Office _____

278-10-C1229736-V70 - 157

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

~~SECRET~~ Hofmann-IOB-4

~~SECRET~~

General Brent Scowcroft (USAF Retired)

Should you or any member of your staff require additional information concerning this matter, an oral briefing will be arranged for you at your convenience. (U)

Sincerely,

Patrick W. Kelley
Deputy General Counsel

- 1 - The Honorable John D. Ashcroft
Attorney General
U.S. Department of Justice
Room 5111
- 1 - Mr. H. Marshall Jarrett
Counsel, Office of Professional Responsibility
U.S. Department of Justice
Room 4304

JWK
8/20/03
Lb

APPROVED:

Director _____	Crim. Inv. _____	Inspection _____	Training _____
Deputy Director _____	CJS _____	Laboratory _____	Off. of EEO _____
	Finance _____	National Sec. _____	Affairs _____
	Gen. Counsel <i>PWK</i>	OPR _____	Off. of Public & _____
	Info. Res. _____	Personnel _____	Cong. Affs. _____

DATE: 06-29-2010
CLASSIFIED BY 65179 DMH/plj
REASON: 1.4 (c)
DECLASSIFY ON: 06-29-2035

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED, EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

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[REDACTED]
FEDERAL BUREAU OF INVESTIGATION HEADQUARTERS (FBIHQ) (U)
2003-58

(S) Investigation of this IOB matter has determined that, on [REDACTED], the [REDACTED] Division [REDACTED] initiated a [REDACTED] on [REDACTED] who was (and remains) a "United States person" as that term is used in Section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (FISA).¹ Thus, continuation of the investigation required that [REDACTED] and [REDACTED] comply with the reporting requirements of the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations (FCIG). Consistent with those requirements [REDACTED] prepared and submitted an initial 90-day letterhead memorandum (LHM) on [REDACTED] setting forth the basis for its initiation of a [REDACTED] of the subject. Due to administrative error, [REDACTED] failed to forward [REDACTED] 90-day LHM to the Office of Intelligence Policy and Review (OIPR), Department of Justice (DOJ), as required. The error went undetected until January 22, 2003, when [REDACTED] first annual LHM was forwarded to the National Security Law Unit, FBIHQ, for submission to OIPR. This error was further compounded by the failure of [REDACTED] to report this matter to the FBI's Inspection Division as a potential IOB violation until May 7, 2003. (S)

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(U) A copy of this submission to the IOB has been provided to the FBI's Executive Assistant Director for Counterterrorism/Counterintelligence for action deemed appropriate. (U)

VH
Ceb
JPK

Derived from G-3
Declassify ~~APPROVED~~

Director	Mr. Irwin	Inspection	Training
Deputy Director	Gen. Counsel	Laboratory	Off. of EEO
	Asst. Dir.:	National Sec.	Affairs
	Adm. Res.	OPR	Off. of Public & Cong. Affs.
		Personnel	

(U) 1. (S) A "United States person" is defined in Section 101(i) of the Foreign Intelligence Surveillance Act (FISA) (codified at 50 U.S.C. § 1801 et seq.) as "a citizen of the United States [or] an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Naturalization Act)" See also [REDACTED] of the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations.

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DECLASSIFIED BY 65179 DMH/plj
ON 06-29-2010

31

September 24, 2003

BY COURIER

General Brent Scowcroft (USAF Retired)
Chairman
Intelligence Oversight Board
New Executive Office Building
Washington, D.C.

Dear General Scowcroft:

Enclosed for your information is a self-explanatory
letterhead memorandum (LHM) entitled "Intelligence Oversight
Board (IOB) Matter, [redacted] Division, IOB Matter 2003-116."
(U)

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This LHM sets forth details of investigative activity
which the FBI has determined was conducted contrary to the
Attorney General Guidelines for FBI Foreign Intelligence
Collection and Foreign Counterintelligence Investigations and/or
laws, Executive Orders, or Presidential Directives which govern
FBI foreign counterintelligence and international terrorism
investigations. (U)

Enclosure

- 1 - Mr. [redacted]
- 1 - Mr. Kelley
- 1 - Mr. [redacted]
- 1 - Mr. [redacted]

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b7C

1- 298-48-61229736-10-163

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

- Dep. Dir. _____
- Chief of Staff _____
- Off. of Gen. _____
- Counsel _____
- Asst. Dir.: _____
- Admin. Ser. _____
- Crim. Inv. _____
- CJIS _____
- Finance _____
- Info. Res. _____
- Lab. _____
- National Sec. _____
- OPR _____
- Off. of Public & Cong. Affs. _____
- Training _____
- Off. of EEOA _____
- Director's Office _____

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

~~SECRET~~ Hofmann-IOB-7

MAIL ROOM C

FBI/DOJ

~~SECRET~~

General Brent Scowcroft (USAF Retired)

Should you or any member of your staff require additional information concerning this matter, an oral briefing will be arranged for you at your convenience. (U)

Sincerely,

Patrick W. Kelley
Deputy General Counsel

1 - The Honorable John D. Ashcroft
Attorney General
U.S. Department of Justice
Room 5111

1 - Mr. H. Marshall Jarrett
Counsel, Office of Professional Responsibility
U.S. Department of Justice
Room 4304

JPK 7-16-03 *Lab 7-11-03* *WAMS 8/27/03*

APPROVED:	Crim. Inv. _____	Inspection _____	Training _____
	CAIS _____	Laboratory _____	Off. of EEO _____
	Finance _____	National Sec. _____	Affairs _____
	Director _____	Gen. Counsel <i>WAK</i>	Off. of Public & _____
Deputy Director _____	Info. Res. _____	Personnel _____	Cong. Affs. _____

DATE: 06-29-2010
CLASSIFIED BY 65179 DMH/plj
REASON: 1.4 (c)
DECLASSIFY ON: 06-29-2035

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED] DIVISION
IOB MATTER 2003-116 (U)

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The [REDACTED] Division [REDACTED] of the
Federal Bureau of Investigation ("FBI") recently reported the
[REDACTED] of electronic data in conjunction with its [REDACTED]
(S) [REDACTED] of [REDACTED] a non-U.S. person. In this regard,
on [REDACTED] initiated its investigation of
the subject. On [REDACTED]

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[REDACTED]

(S) [REDACTED]
(S) [REDACTED]
(S) [REDACTED]
(S) [REDACTED]
(S) [REDACTED]
(U) [REDACTED]

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SLK 9-16-03 US 9/9/03 JWS 8/27/03

APPROVED: Crim. Inv. _____ Inspection _____ Training _____
 CIS _____ Laboratory _____ Off. of EEO _____
Derived from: Finance _____ National Sec. _____ Affairs _____
Declassification: X Gen. Counsel _____ OPR _____ Off. of Public & _____
 Deputy Director _____ Info. Res. _____ Personnel _____ Cong. Affs. _____

~~SECRET~~

Hofmann-IOB-9

DECLASSIFIED BY 65179 DMH/plj
ON 06-29-2010

4

September 26, 2003

BY COURIER

General Brent Scowcroft (USAF Retired)
Chairman
Intelligence Oversight Board
New Executive Office Building
Washington, D.C.

Dear General Scowcroft:

Enclosed for your information is a self-explanatory letterhead memorandum (LHM) entitled "Intelligence Oversight Board (IOB) Matter, Counterintelligence Division, IOB Matter 2003-120." (U)

This LHM sets forth details of investigative activity which the FBI has determined was conducted contrary to the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations and/or laws, Executive Orders, or Presidential Directives which govern FBI foreign counterintelligence and international terrorism investigations. (U)

Enclosure

① 278-HQ-C1229736-VIO - 166

- 1 - Mr.
- 1 - Mr. Kelley
- 1 - Ms.
- 1 - Ms.
- 1 - OPR

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~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

- Dep. Dir. _____
- Chief of Staff _____
- Off. of Gen. _____
- Counsel _____
- Asst. Dir.: _____
- Admin. Ser. _____
- Crim. Inv. _____
- CIS _____
- Finance _____
- Info. Res. _____
- Lab. _____
- National Sec. _____
- OPR _____
- Off. of Public & Cong. Affs. _____
- Training _____
- Off. of EEOA _____
- Director's Office _____

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

~~SECRET~~

Hofmann-IOB-10

MAIL ROOM

FBI/DOJ

~~SECRET~~

General Brent Scowcroft (USAF Retired)

Should you or any member of your staff require additional information concerning this matter, an oral briefing will be arranged for you at your convenience. (U)

Sincerely,

Patrick W. Kelley
Deputy General Counsel

1 - The Honorable John D. Ashcroft
Attorney General
U.S. Department of Justice
Room 5111

1 - Mr. H. Marshall Jarrett
Counsel, Office of Professional Responsibility
U.S. Department of Justice
Room 4304

VJW/S
9/14/03

APPROVED:	Crim. Inv. _____	Inspection _____	Training _____
	CJIS _____	Laboratory _____	Off. of EEO _____
	Finance _____	National Sec. _____	Affairs _____
	Director _____	Gen. Counsel _____	Off. of Public Aff. _____
Deputy Director _____	Info. Res. _____	Personnel _____	Cong. Affs. _____

LAB
9/23/03

~~SECRET~~

DATE: 06-29-2010
CLASSIFIED BY 65179 DMH/plj
REASON: 1.4 (c, d)
DECLASSIFY ON: 06-29-2035

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
COUNTERINTELLIGENCE DIVISION
IOB MATTER 2003-120 (U)

(S) Inquiry has determined that in conducting a [redacted] on [redacted], a U.S. person, the Federal Bureau of Investigation (FBI) failed to meet the 90-day reporting requirement prescribed in [redacted] of the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations (FCIG). In this regard, the [redacted] Division [redacted] initially opened a [redacted] of the subject on [redacted]. Because the subject was (and remains) a "United States person" as that term is used in Section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (FISA), continuation of the investigation required that [redacted] and [redacted]

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(S) [redacted] - comply with the requirements of Executive Order 12863 and the FCIG. [redacted] has reported that [redacted] prepared the initial 90-day letterhead memorandum (LHM) required by the FCIG and submitted it to [redacted] via electronic communication dated [redacted]. Due to apparent administrative error, [redacted] did not forward a copy of the communication to the National Security Law Branch, Office of the General Counsel, for submission to the Office of Intelligence Policy and Review (OIPR), Department of Justice. The error was not caught until [redacted]. By then, the required LHM was approximately seven months overdue. This error thus precluded meaningful oversight and review of [redacted] ongoing investigation by OIPR, which is contrary to the reporting requirements set forth in [redacted] of the FCIG. The error is a matter reportable to the IOB, and a copy of this report will be provided to the FBI's Office of Professional Responsibility for action deemed appropriate. (S)

LAS
9/23/03
VJAL
9/23/03

APPROVED:	Crim. Inv. _____	Inspection _____	Training _____
	C.I.S. _____	Laboratory _____	Off. of EEO _____
Derived from:	G- _____	National Sec. _____	Admin. _____
Declassify on:	Gen. Counsel _____	OPR _____	Off. of Public & _____
	Deputy Director _____	Info. Res. _____	Personnel _____
			Cong. Affs. _____

~~SECRET~~

Hofmann-IOB-12

DECLASSIFIED BY 65179 DMH/plj
ON 06-29-2010

3)

September 29, 2003

BY COURIER

General Brent Scowcroft (USAF Retired)
Chairman
Intelligence Oversight Board
New Executive Office Building
Washington, D.C.

Dear General Scowcroft:

Enclosed for your information is a self-explanatory
letterhead memorandum (LHM), entitled "Intelligence Oversight
Board (IOB) Matter, [redacted]
[redacted] Federal
Bureau of Investigation Headquarters (FBIHQ), 2003-63."

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This LHM sets forth details of investigative activity
which the FBI has determined was conducted contrary to the
Attorney General Guidelines for FBI Foreign Intelligence
Collection and Foreign Counterintelligence Investigations and/or
laws, Executive Orders, or Presidential Directives which govern
FBI foreign counterintelligence and international terrorism
investigations. (U)

Enclosure

- 1 - Mr. Pistole
- 1 - Mr. [redacted]
- 1 - 278-HQ-C1229736-VIO-168

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~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

*PWS
JGC*

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

~~SECRET~~ Hoffmann-IOB-13

~~SECRET~~

General Brent Scowcroft (USAF Retired)

Should you or any member of your staff require additional information concerning this matter, an oral briefing will be arranged for you at your convenience.

Sincerely,

Patrick W. Kelley
Deputy General Counsel

- .1 - The Honorable John D. Ashcroft
Attorney General
U.S. Department of Justice
Room 5111

- 1 - Mr. H. Marshall Jarrett
Counsel, Office of Professional Responsibility
U.S. Department of Justice
Room 4304

~~SECRET~~

DATE: 06-29-2010
CLASSIFIED BY 65179 DMH/plj
REASON: 1.4 (c)
DECLASSIFY ON: 06-29-2035

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

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[REDACTED]
FEDERAL BUREAU OF INVESTIGATION HEADQUARTERS (FBIHQ)
2003-63 (U)

(S) Investigation of this IOB matter has determined that, on [REDACTED] the [REDACTED] Division [REDACTED] initiated a [REDACTED] on [REDACTED] who is a "United States person" as that term is used in Section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (FISA).¹ Thus, continuation of the investigation required that [REDACTED] and the [REDACTED] comply with the reporting requirements of the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations (FCIG). Consistent with those requirements, [REDACTED] prepared and submitted an initial 90-day letterhead memorandum (LHM) on [REDACTED] setting forth the basis for its initiation of a [REDACTED] of the subject. Due to administrative error, the [REDACTED] failed to forward [REDACTED] 90-day LHM to the Office of Intelligence Policy and Review (OIPR), Department of Justice (DOJ), as required. The error went undetected until [REDACTED] when [REDACTED] first annual LHM was forwarded to the National Security Law Unit, FBIHQ, for submission to OIPR. This matter has been referred to the FBI's Office of Professional Responsibility for action deemed appropriate. (S)

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

~~SECRET~~

(U) ~~(S)~~ A "United States person" is defined in Section 101(i) of the Foreign Intelligence Surveillance Act (FISA) (codified at 50 U.S.C. § 1801 et seq.) as "a citizen of the United States [or] an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Naturalization Act)" See also [REDACTED] of the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counter-intelligence Investigations.

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Hofmann-IOB-15

31

September 29, 2003

BY COURIER

General Brent Scowcroft (USAF Retired)
Chairman
Intelligence Oversight Board
New Executive Office Building
Washington, D.C.

Dear General Scowcroft:

Enclosed for your information is a self-explanatory
letterhead memorandum (LHM), entitled "Intelligence Oversight
Board (IOB) Matter. [redacted]

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[redacted] Federal
Bureau of Investigation Headquarters (FBIHQ), 2003-71."

This LHM sets forth details of investigative activity
which the FBI has determined was conducted contrary to the
Attorney General Guidelines for FBI Foreign Intelligence
Collection and Foreign Counterintelligence Investigations and/or
laws, Executive Orders, or Presidential Directives which govern
FBI foreign counterintelligence and international terrorism
investigations. (U)

Enclosure

- 1 - Mr. Pistole
- 1 - SAC [redacted]
- 1 - SAC [redacted]
- 1 - Mr. [redacted]
- 1 - 278-HQ-C1229736-VIO-170

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- Dep. Dir. _____
- Chief of Staff _____
- Off. of Gen. Counsel PWK
- Asst. Dir.: _____
- Admin. Ser. _____
- Crim. Inv. _____
- CJIS _____
- Finance _____
- Info. Res. _____
- Lab. _____
- National Sec. _____
- OPR _____
- Off. of Public & Cong. Affs. _____
- Training _____
- Off. of EEOA _____
- Director's Office _____

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

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

~~SECRET~~ Hofmann-IOB-16

~~SECRET~~

General Brent Scowcroft (USAF Retired)

Should you or any member of your staff require additional information concerning this matter, an oral briefing will be arranged for you at your convenience. (U)

Sincerely,

Patrick W. Kelley
Deputy General Counsel

- 1 - The Honorable John D. Ashcroft
Attorney General
U.S. Department of Justice
Room 5111
- 1 - Mr. H. Marshall Jarrett
Counsel, Office of Professional Responsibility
U.S. Department of Justice
Room 4304

- 2 -

Hoffman - IOB- 17

~~SECRET~~

DATE: 06-29-2010
CLASSIFIED BY 65179 DMH/plj
REASON: 1.4 (c)
DECLASSIFY ON: 06-29-2035

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

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FEDERAL BUREAU OF INVESTIGATION HEADQUARTERS (FBIHQ)
2003-71 (U)

Investigation of this IOB matter has determined that,

on [redacted]
signed a Search Warrant [redacted] requested by FBI
[redacted] and served by FBI [redacted] upon [redacted] The

(S)

[redacted] utilized by [redacted]

(S)

[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]

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[redacted] This matter has been referred to
the FBI's Office of Professional Responsibility for action deemed
appropriate. ~~(S)~~

(U)

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

~~SECRET~~

(U)

1 ~~(S)~~ A "United States person" is defined in Section 101(i) of the
Foreign Intelligence Surveillance Act (FISA) (codified at 50 U.S.C. § 1801 et
seq.) as "a citizen of the United States [or] an alien lawfully admitted for
permanent residence (as defined in section 101(a)(20) of the Immigration and
Naturalization Act)" See also [redacted] of the Attorney General
Guidelines for FBI Foreign Intelligence Collection and Foreign Counter-
intelligence Investigations.

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Hofmann-IOB-18

DECLASSIFIED BY 65179 DMH/plj
ON 06-29-2010

3)

September 29, 2003

BY COURIER

General Brent Scowcroft (USAF Retired)
Chairman
Intelligence Oversight Board
New Executive Office Building
Washington, D.C.

Dear General Scowcroft:

Enclosed for your information is a self-explanatory
letterhead memorandum (LHM), entitled "Intelligence Oversight
Board (IOB) Matter, [redacted]

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[redacted] Federal
Bureau of Investigation Headquarters (FBIHQ), 2003-121."

This LHM sets forth details of investigative activity
which the FBI has determined was conducted contrary to the
Attorney General Guidelines for FBI Foreign Intelligence
Collection and Foreign Counterintelligence Investigations and/or
laws, Executive Orders, or Presidential Directives which govern
FBI foreign counterintelligence and international terrorism
investigations. (U)

Enclosure

- 1 - Mr. Pistole
- 1 - Mr. [redacted]
- 1 - 278-HQ-C1229736-VIO-172

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- Dep. Dir. _____
- Chief of Staff _____
- Off. of Gen. Counsel gwk
- Asst. Dir.: _____
- Admin. Ser. _____
- Crim. Inv. _____
- CJIS _____
- Finance _____
- Info. Res. _____
- Lab. _____
- National Sec. _____
- OPR _____
- Off. of Public & Cong. Affs. _____
- Training _____
- Off. of EEOA _____
- Director's Office _____

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

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

~~SECRET~~ Hofmann-IOB-19

~~SECRET~~

General Brent Scowcroft (USAF Retired)

Should you or any member of your staff require additional information concerning this matter, an oral briefing will be arranged for you at your convenience. (U)

Sincerely,

Patrick W. Kelley
Deputy General Counsel

- 1 - The Honorable John D. Ashcroft
Attorney General
U.S. Department of Justice
Room 5111

- 1 - Mr. H. Marshall Jarrett
Counsel, Office of Professional Responsibility
U.S. Department of Justice
Room 4304

- 2 -

~~SECRET~~

Hofmann-IOB-20

DATE: 06-29-2010
CLASSIFIED BY 65179 DMH/plj
REASON: 1.4 (c)
DECLASSIFY ON: 06-29-2035

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

FEDERAL BUREAU OF INVESTIGATION HEADQUARTERS (FBIHQ)
2003-121 (U)

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(S) Investigation of this IOB matter has determined that, on [redacted] the [redacted] Division [redacted] initiated a [redacted] on [redacted] who is a "United States person" as that term is used in Section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (FISA).¹ Thus, continuation of the investigation required that [redacted] and [redacted] comply with the reporting requirements of the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations (FCIG). Consistent with those requirements, [redacted] prepared and submitted an initial 90-day letterhead memorandum (LHM) on [redacted] setting forth the basis for its initiation of a [redacted] of the subject. Due to administrative error, [redacted] failed to forward [redacted] 90-day LHM to the Office of Intelligence Policy and Review (OIPR), Department of Justice (DOJ), as required. The error went undetected until [redacted] when the National Security Law Unit, FBIHQ, notified [redacted] of the possible IOB violation. This matter has been referred to the FBI's Office of Professional Responsibility for action deemed appropriate ~~(S)~~.

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

~~SECRET~~

(U) ~~(S)~~ A "United States person" is defined in Section 101(i) of the Foreign Intelligence Surveillance Act (FISA) (codified at 50 U.S.C. § 1801 et seq.) as "a citizen of the United States [or] an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Naturalization Act)" See also [redacted] of the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counter-intelligence Investigations.

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Hofmann-IOB-21

2)

September 29, 2003

BY COURIER

General Brent Scowcroft (USAF Retired)
Chairman
Intelligence Oversight Board
New Executive Office Building
Washington, D.C.

Dear General Scowcroft:

Enclosed for your information is a self-explanatory letterhead memorandum (LHM) entitled "Intelligence Oversight Board (IOB) Matter, Counterintelligence Division, IOB Matter 2003-118." (U)

This LHM sets forth details of investigative activity which the FBI has determined was conducted contrary to the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations and/or laws, Executive Orders, or Presidential Directives which govern FBI foreign counterintelligence and international terrorism investigations. (U)

Enclosure

- 1 - Mr. [redacted]
- 1 - Mr. Kelley
- 1 - Mr. [redacted]
- 1 - Mr. [redacted]
- ① - 278-HQ-C1229736-VIO-175

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

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b7c

- Dep. Dir. _____
- Chief of Staff _____
- Off. of Gen. Counsel _____
- Asst. Dir.:
- Admin. Ser. _____
- Crim. Inv. _____
- CIIS _____
- Finance _____
- Info. Res. _____
- Lab. _____
- National Sec. _____
- OPR _____
- Off. of Public & Cong. Affs. _____
- Training _____
- Off. of EEOA _____
- Director's Office _____

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

~~SECRET~~ Hofmann-IOB-22

~~SECRET~~

General Brent Scowcroft (USAF Retired)

Should you or any member of your staff require additional information concerning this matter, an oral briefing will be arranged for you at your convenience. (U)

Sincerely,

Patrick W. Kelley
Deputy General Counsel

1 - The Honorable John D. Ashcroft
Attorney General
U.S. Department of Justice
Room 5111

1 - Mr. H. Marshall Jarrett
Counsel, Office of Professional Responsibility
U.S. Department of Justice
Room 4304

JPK 9-16-03 LAS 9/21/03 VOWS 8/27/03

APPROVED:

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_____	_____	_____

~~SECRET~~

DATE: 06-29-2010
CLASSIFIED BY 65179 DMH/plj
REASON: 1.4 (c, d)
DECLASSIFY ON: 06-29-2035

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
COUNTERINTELLIGENCE DIVISION
IOB MATTER 2003-118 (U)

(S) Inquiry has determined that in conducting a [redacted] on [redacted] a U.S. person, the Federal Bureau of Investigation (FBI) failed to meet the 90-day reporting requirement prescribed in [redacted] of the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations (FCIG). In this regard, the [redacted] Field Office [redacted] initially opened its [redacted] of the subject on [redacted]. Because the subject was (and remains) a "United States person" as that term is used in Section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (FISA), continuation of the investigation required that [redacted] and the [redacted]

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(S) [redacted] comply with the requirements of Executive Order 12863 and the FCIG. [redacted] has reported that the initial 90-day letterhead memorandum (LHM) required by the FCIG was submitted to [redacted] by [redacted] as an enclosure to an electronic communication dated [redacted]. [redacted] has further reported, however, that its files do not indicate that, as required, the LHM was forwarded to the National Security Law Branch, Office of the General Counsel, for submission to the Office of Intelligence Policy and Review (OIPR), Department of Justice. The error was not caught until [redacted]. By then, the required LHM was approximately six months overdue. This error precluded meaningful oversight and review of [redacted] ongoing investigation by OIPR, which is contrary to the requirements of [redacted] of the FCIG. This matter has been referred to the FBI's Office of Professional Responsibility for action deemed appropriate.

(U) ~~(S)~~

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

APPROVED: Crim. Inv. _____ Inspection _____ Training _____
 CHS _____ Laboratory _____ Off. of EEO _____
 Finance _____ National Sec. _____ Affairs _____
Director _____ Gen. Counsel _____ OFF _____ Off. of Public &
Deputy Director _____ **Hoffmann-IOB-234** Personnel _____ Cong. Affs. _____

Leah
9/24/03

31

October 1, 2003

BY COURIER

General Brent Scowcroft (USAF Retired)
Chairman
Intelligence Oversight Board
Room 5020
New Executive Office Building
725 17th Street, NW
Washington, D.C. 20503

Dear General Scowcroft:

Enclosed for your information is a self-explanatory letterhead memorandum (LHM), entitled "Intelligence Oversight Board (IOB) Matter [redacted] Division, 2003-111."

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This LHM sets forth details of investigative activity which the FBI has determined was conducted contrary to the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations and/or laws, Executive Orders, or Presidential Directives which govern FBI foreign counterintelligence and international terrorism investigations. This matter has also been referred to our Office of Professional Responsibility for a determination of whether any administrative action is warranted. (U)

Enclosure

① 278-10-C1229736-VJO-180

- 1 - Mr. Pistole
- 1 - Mr. [redacted]
- 1 - Mr. [redacted]
- 1 - Ms. [redacted]
- 1 - OPR

- Dep. Dir. _____
- Chief of Staff _____
- Off. of Gen. Counsel QWC
- Asst. Dir.: _____
- Admin. Ser. _____
- Crim. Inv. _____
- CIIS _____
- Finance _____
- Info. Res. _____
- Lab. _____
- National Sec. _____
- OPR _____
- Off. of Public & Cong. Affs. _____
- Training _____
- Off. of EEOA _____
- Director's Office _____

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

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

~~SECRET~~

Hofmann-IOB-25

~~SECRET~~

General Brent Scowcroft (USAF Retired)

Should you or any member of your staff require additional information concerning this matter, an oral briefing will be arranged for you at your convenience. (U)

Sincerely,

Patrick W. Kelley
Deputy General Counsel

APPROVED: Crim. Inv. _____ Inspection _____ Training _____
CJIS _____ Laboratory _____ Off. of EEO _____
Finance _____ National Sec. _____ Affairs _____
Director _____ Gen. Counsel _____ OFF. *put* Off. of Public &
Deputy Director _____ Info. Res. _____ Personnel _____ Cong. Affs. _____

*CTUS
mj
9/27/03* 2 -

NSCIB (RM) 9/26/03

~~SECRET~~

Hofmann-IOB-26

DATE: 06-29-2010
CLASSIFIED BY 65179 DMH/plj
REASON: 1.4 (c)
DECLASSIFY ON: 06-29-2035

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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b7E

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[redacted] DIVISION
FEDERAL BUREAU OF INVESTIGATION HEADQUARTERS (FBIHQ) (U)
2003-111

(S) Investigation of this IOB matter has revealed that on [redacted] the [redacted] Division initiated a [redacted] on [redacted] a United States person. Due to administrative error, [redacted] failed to forward the 90 day LHM, due on [redacted] to the National Security Law Branch (NSLB), OGC, for submission to the Office of Intelligence Policy and Review (OIPR), Department of Justice (DOJ), as required by the FCIG. This error was not noted until [redacted] when the [redacted] [redacted] forwarded the annual LHM to NSLB. As a result of the error, OIPR was not advised of the status of the ongoing investigation for approximately eight months.

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A copy of this submission to the IOB has been provided to the FBI's Executive Assistant Director for Counterterrorism/Counterintelligence and to the Office of Professional Responsibility for action as deemed appropriate.
(U)

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

~~SECRET~~

APPROVED: Crim. Inv. _____ Inspection _____ Training _____
 CJIS _____ Laboratory _____ Off. of EEO _____
 Finance _____ National Sec. _____ Affairs _____
Director _____ Gen. Counsel *DW* OPR _____ Off. of Public & _____
Deputy Director _____ Info. Res. _____ Personnel _____ Cong. Affs. _____

*CRW1
9/27/03*

NSLB RBR 9/26

BY COURIER



General Brent Scowcroft (USAF Retired)
Chairman
Intelligence Oversight Board
New Executive Office Building
Washington, D.C.
October 6, 2003

Dear General Scowcroft:

Enclosed for your information is a self-explanatory letterhead memorandum (LHM), entitled "Intelligence Oversight Board (IOB) Matter, [redacted] Field Office, 2003-79." (U)

b2
b7E

This LHM sets forth details of investigative activity which the FBI has determined was conducted contrary to the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations and/or laws, Executive Orders, or Presidential Directives which govern FBI foreign counterintelligence and international terrorism investigations.
(U)

Enclosure

1 - Mr. [redacted]

1 - Mr. Kelley

① 278-HQ-CL229736-VFO-184

1 - 278 [redacted] C71404-34

1 - Ms. [redacted]

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~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

~~Derived from : G-3
Declassify on: X25-1~~

- Dep. Dir. _____
- Chief of Staff _____
- Off. of Gen. Counsel _____
- Asst. Dir.:
- Admin. Ser. _____
- Crim. Inv. _____
- CIIS _____
- Finance _____
- Info. Res. _____
- Lab. _____
- National Sec. _____
- OPR _____
- Off. of Public & Cong. Affs. _____
- Training _____
- Off. of EEOA _____
- Director's Office _____

~~SECRET~~

Hofmann-IOB-28

General Brent Scowcroft (USAF Retired)

Should you or any member of your staff require additional information concerning this matter, an oral briefing will be arranged for you at your convenience. (U)

Sincerely,

Patrick W. Kelley
Deputy General Counsel

1 - The Honorable John D. Ashcroft
Attorney General
U.S. Department of Justice
Room 5111

1 - Mr. H. Marshall Jarrett
Counsel, Office of Professional Responsibility
U.S. Department of Justice
Room 4304

APPROVED:	Crim. Inv. _____	Inspection _____	Training _____
	CJIS _____	Laboratory _____	Off. of EEO _____
	Financ. _____	Ident. Sec. _____	Affairs _____
	Director _____	Gen. Counsel _____	Off. of Public & _____
Deputy Director _____	Info. Res. _____	Personnel _____	Cong. Affs. _____

~~SECRET~~

Hofmann-IOB-29

DATE: 06-29-2010
CLASSIFIED BY 65179 DMH/plj
REASON: 1.4 (c)
DECLASSIFY ON: 06-29-2035

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

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INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[redacted] FIELD OFFICE
IOB MATTER 2003-79 (U)

(S) Investigation of this IOB matter has determined that,
on [redacted] Field Office [redacted] issued an
electronic communication (EC) requesting the reopening of [redacted]
(S) [redacted] The subjects were [redacted]
[redacted] who were (and remain) "United States
persons" as that term is used in Section 101(i) of the Foreign
Intelligence Surveillance Act of 1978 (FISA). Through an
oversight, however, the [redacted] were not reopened.
Nonetheless, [redacted] engaged in an [redacted] in the form of
[redacted] When an extension of the [redacted]
[redacted] was sought on [redacted] [redacted] discovered that the
cases had never been reopened. Therefore, on that day, [redacted]
[redacted] cases were reopened. The mistake and possible IOB
violation was reported to Headquarters via EC dated [redacted]
[redacted] Having engaged in investigative activity in the form of
[redacted] inadvertently violated
[redacted] of the Attorney General Guidelines for FBI Foreign
Intelligence Collection and Foreign Counterintelligence
Investigations (FCIG). [redacted] spells out the investigative
methods that are appropriate in the absence of a [redacted]
[redacted] and those methods that require a [redacted] to
be open. The Department of Justice has interpreted the FCIG to
authorize a [redacted] only if a [redacted]
[redacted] or [redacted] is open. In this instance, because
of the oversight, such [redacted] was not open
(U) when [redacted] conducted the [redacted] (S)

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This matter has been referred to the FBI's Office of Professional Responsibility for action deemed appropriate.

APPROVED: Crim. Inv. _____ Inspection _____ Training _____
C.I.S. _____ Laboratory _____ Off. of EEO _____
Finance _____ National Sec. _____ Affairs _____
Director _____ Gen. Counsel _____ GPR _____ Off. of Public & _____
Deputy Director _____ Info. Res. _____ Personnel _____ Cong. Affs. _____

~~Derived from : G-3
Declassify on: X25-1~~

~~SECRET~~

Hofmann-IOB-30

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XXXXXX

**FEDERAL BUREAU OF INVESTIGATION
FOIA/PA DELETED PAGE INFORMATION SHEET**

4

Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552

Section 552a

- (b)(1)
- (b)(2)
- (b)(3) _____
- _____
- _____
- (b)(4)
- (b)(5)
- (b)(6)

- (b)(7)(A)
- (b)(7)(B)
- (b)(7)(C)
- (b)(7)(D)
- (b)(7)(E)
- (b)(7)(F)
- (b)(8)
- (b)(9)

- (d)(5)
- (j)(1)
- (k)(1)
- (k)(2)
- (k)(3)
- (k)(4)
- (k)(5)
- (k)(6)
- (k)(7)

Information pertained only to a third party with no reference to the subject of your request or the subject of your request is listed in the title only.

Document(s) originated with another government agency (OGA). These documents were referred to that agency(ies) for review and you will be advised by the FBI as to the releasability of this information.

_____ Page(s) contain information furnished by another Government agency(ies). You will be advised by the FBI as to the releasability of this information following our consultation with the other agency(ies).

_____ Page(s) withheld inasmuch as a final release determination has not been made. You will be advised as to the disposition at a later date.

_____ Page(s) were not considered for release as they are duplicative of

4 Page(s) withheld for the following reason(s) **Non-Responsive**

The following number(s) is (are) to be used for reference regarding these pages :

Hofmann-IOB-31 through Hofmann-IOB-34

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XXXXXX

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X Deleted Page(s) X
X No Duplication Fee X
X for this page X
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DECLASSIFIED BY 65179 DMH/plj
ON 06-29-2010

111

October 7, 2003
BY COURIER

General Brent Scowcroft (USAF Retired)
Chairman
Intelligence Oversight Board
Room 5020
New Executive Office Building
725 17th Street, N.W.
Washington, D.C. 20503

Dear General Scowcroft:

Enclosed for your information is a self-explanatory letterhead memorandum (LHM), entitled "INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER; IOB 2003 94." (U)

This LHM sets forth details of investigative activity which the FBI has determined was conducted contrary to the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations and/or laws, Executive Orders, or Presidential Directives which govern FBI foreign counterintelligence and international terrorism investigations. (U)

Enclosure

- 1 - Mr. Kelley
- 1 - Mr.
- 1 - Mr.
- 1 - Mr.

① 278-HQ-C1229736-VIO-187

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~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

~~SECRET~~

Hofmann-IOB-35

- Dep. Dir. _____
- Chief of Staff _____
- Off. of Gen. _____
- Counsel _____
- Asst. Dir.: _____
- Admin. Ser. _____
- Crim. Inv. _____
- CIIS _____
- Finance _____
- Info. Res. _____
- Lab. _____
- National Sec. _____
- OPR _____
- Off. of Public & Cong. Affs. _____
- Training _____
- Off. of EEOA _____
- Director's Office _____

MAIL ROOM

FBI/DOJ

~~SECRET~~

General Brent Scowcroft (USAF Retired)

Should you or any member of your staff require additional information concerning this matter, an oral briefing will be arranged for you at your convenience.

Sincerely,

Patrick W. Kelley
Deputy General Counsel

- 1 - The Honorable John D. Ashcroft
Attorney General
U.S. Department of Justice
Room 5111
- 1 - Mr. H. Marshall Jarrett
Counsel, Office of Professional Responsibility
U.S. Department of Justice
Room 4304

APPROVED:	Crim. Inv. _____	Inspection _____	Training _____
	Gen. Inv. _____	Laboratory _____	Off. of EEO _____
	Ident. _____	National Sec. _____	Affairs _____
	Director _____	Gen. Counsel <i>PWK</i>	Off. of Public & _____
	Deputy Director _____	Info. Res. _____	Personnel _____

BAN/CTU2
9/30/03

~~SECRET~~

Hofmann-IOB-36

DATE: 06-29-2010
CLASSIFIED BY 65179 DMH/plj
REASON: 1.4 (c)
DECLASSIFY ON: 06-29-2035

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
IOB 2003 94 (U)

Investigation of this IOB matter has determined that, on [redacted] the [redacted] Field Office of the Federal Bureau of Investigation ("FBI") requested initiation of a [redacted] of [redacted] who was a "United States person" as that term is used in the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations (FCIG).¹ Thus the initiation and continuation of the [redacted] required the [redacted] Field Office and [redacted] comply with the requirements of Executive Order 12863 and the FCIG. [redacted] Field Office submitted its initial 90-day letterhead memorandum nearly four months beyond its original due date. As a result of the delinquent LHM, OIPR was not advised of the initiation of the [redacted] in accordance with [redacted] of the FCIG. This delayed reporting clearly precluded OIPR from exercising its responsibility for oversight and review of an ongoing foreign counterintelligence investigation of a U.S. person, contrary to the requirements of the FCIG. This matter has been referred to the FBI's Office of Professional Responsibility for action deemed appropriate.

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(S)

*BAN/CTU2
9/30/03*

~~Derived from: G-3
Declassify on: X-1~~

APPROVED:

~~SECRET~~

Crim. Inv. _____	Inspection _____	Training _____
CJIS _____	Laboratory _____	Off. of EEO _____
Finance _____	National Sec. _____	Affairs _____
Director _____	Gen. Counsel _____	Off. of Public & _____
Deputy Director _____	Info. Res. _____	Personnel _____
		Cong. Affs. _____

(U) ¹ (S) A "United States person" is defined in [redacted] of the FCIG as "an individual who is . . . [a] United States citizen . . . or . . . [b] a permanent resident alien"
Hofmann-IOB-37

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DECLASSIFIED BY 65179 DMH/plj
ON 06-29-2010

31

October 15, 2003

BY COURIER

General Brent Scowcroft (USAF Retired)
Chairman
Intelligence Oversight Board
Room 5020
New Executive Office Building
725 17th Street, NW
Washington, D.C. 20503

Dear General Scowcroft:

Enclosed for your information is a self-explanatory letterhead memorandum (LHM), entitled "Intelligence Oversight Board (IOB) Matter, [redacted] Division, 2003-67."

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b7E

This LHM sets forth details of investigative activity which the FBI has determined was conducted contrary to the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations and/or laws, Executive Orders, or Presidential Directives which govern FBI foreign counterintelligence and international terrorism investigations. This matter has also been referred to our Office of Professional Responsibility for a determination of whether any administrative action is warranted. (U)

Enclosure
① 218-AQ-01229736-VFO-194

- 1 - Mr. Pistole
- 1 - Mr. [redacted]
- 1 - Mr. [redacted]
- 1 - Ms. [redacted]
- 1 - OPR

- Dep. Dir. _____
- Chief of Staff _____
- Off. of Gen. Counsel _____
- Asst. Dir.:
- Admin. Ser. _____
- Crim. Inv. _____
- CJIS _____
- Finance _____
- Info. Res. _____
- Lab. _____
- National Sec. _____
- OPR _____
- Off. of Public & Cong. Affs. _____
- Training _____
- Off. of EEOA _____
- Director's Office _____

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

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

~~SECRET~~

Hofmann-IOB-38

MAIL ROOM □

FBI/DOJ

~~SECRET~~

General Brent Scowcroft (USAF Retired)

Should you or any member of your staff require additional information concerning this matter, an oral briefing will be arranged for you at your convenience. (U)

Sincerely,

Patrick W. Kelley
Deputy General Counsel

APPROVED: Crim. Inv. _____ Inspection _____ Training _____
CJIS _____ Laboratory _____ Off. of EEO _____
Finance _____ National Sec. _____ Affairs _____
Director _____ Gen. Counsel *PWK* _____ Off. of Public & _____
Deputy Director _____ Info. Res. _____ Personnel _____ Cong. Affs. _____

CTWJF
9/27/03

WJLB sent 9/24/03

- 2 -

~~SECRET~~

Hofmann-IOB-39

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[redacted] DIVISION (U)
2003-67

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Investigation of this IOB matter has revealed that on [redacted] the [redacted] Division initiated a [redacted] [redacted] on [redacted] a United States person. Due to administrative error, [redacted] failed to forward the 90 day LHM, due on [redacted] to the National Security Law Branch (NSLB), OGC, for submission to the Office of Intelligence Policy and Review (OIPR), Department of Justice (DOJ), as required by the FCIG. A document entitled "90-day LHM" was uploaded into ACS on [redacted] in excess of six months after its due date. This error was not noted until [redacted] when [redacted] forwarded the annual LHM to NSLB. As a result of the error, OIPR was not advised of the status of the ongoing investigation for approximately six months.

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A copy of this submission to the IOB has been provided to the FBI's Executive Assistant Director for Counterterrorism/Counterintelligence and to the Office of Professional Responsibility for action as deemed appropriate.
(U)

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

APPROVED: Crim. Inv. _____ Inspection _____ Training _____
CJIS _____ Laboratory _____ Off. of EEO _____
Finance _____ National Sec. _____ Affairs _____
Director _____ Gen. Counsel _____ OPR *[Signature]* _____ Off. of Public & _____
Deputy Director _____ Info. Res. _____ Personnel _____ Cong. Affs. _____

NSLS (CSA) 9/26/03
CRUI
7/24
9/27/03

DECLASSIFIED BY 65179 DMH/plj
ON 06-29-2010

31

October 15, 2003

BY COURIER

General Brent Scowcroft (USAF Retired)
Chairman
Intelligence Oversight Board
New Executive Office Building
Washington, D.C.

Dear General Scowcroft:

Enclosed for your information is a self-explanatory letterhead memorandum (LHM), entitled "Intelligence Oversight Board (IOB) Matter, [redacted] Field Office, IOB Matter 2003-127."

b2
b7E

This LHM sets forth details of investigative activity which the FBI has determined was conducted contrary to the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations and/or laws, Executive Orders, or Presidential Directives which govern FBI foreign counterintelligence and international terrorism investigations. (U)

Enclosure

1 - Mr. Pistole

1 - Ms. [redacted]

1 - 278-HQ-C1229736-VIO-196

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~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

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

~~SECRET~~ Hofmann-IOB-41

~~SECRET~~

General Brent Scowcroft (USAF Retired)

~~Derived from: G-3
Declassify on: X25-1~~

~~SECRET~~

Should you or any member of your staff require additional information concerning this matter, an oral briefing will be arranged for you at your convenience. (U)

Sincerely,

Patrick W. Kelley
Deputy General Counsel

1 - The Honorable John D. Ashcroft
Attorney General
U.S. Department of Justice
Room 5111

1 - Mr. H. Marshall Jarrett
Counsel, Office of Professional Responsibility
U.S. Department of Justice
20 Massachusetts Ave., Suite 5100

APPROVED:	Crim. Inv. _____	Inspection _____	Training _____
	C.I.S. _____	Laboratory _____	Off. of EEO _____
	Financa _____	National Sec. _____	Affairs _____
	Director _____	Gen. Counsel <i>OWC</i>	Off. of Public & _____
Deputy Director _____	Info. Res. _____	Cong. Affs. _____	

- 2 -

~~SECRET~~

Hofmann-IOB 42

CAW, NSLB

*AKL
NSLB
10/7/03*

DATE: 06-29-2010
CLASSIFIED BY 65179 DMH/plj
REASON: 1.4 (c)
DECLASSIFY ON: 06-29-2035

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WHERE SHOWN OTHERWISE

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[redacted] FIELD OFFICE
IOB MATTER 2003-127

b2
b7E

(S)

Investigation of this IOB matter has determined that, on [redacted] the [redacted] Office [redacted] initiated a [redacted] of [redacted] who is a "U.S. person" as that term is used in Section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (FISA).¹ Pursuant to the reporting requirements of the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations (FCIG) [redacted] was required to report to the Office of Intelligence Policy and Review (OIPR) within 90 days of initiation of the investigation. Consistent with those requirements, [redacted] submitted an initial 90-day letterhead memorandum (LHM) on [redacted] setting forth the basis of its initiation of a [redacted] of the subject. Thereafter, pursuant to the reporting requirements of the FCIG, [redacted] was required to provide a summary of the investigation to the Attorney General or his designee at the end of each year that the investigation continued. [redacted] first annual summary was due on [redacted]. However, [redacted] did not forward the annual report to OIPR until [redacted] failing in this regard was due to limited resources and heavy workload following the terrorist attacks of September 11, 2001, and the loss of the casefile. This matter has been referred to the FBI's Office of Professional Responsibility for action deemed appropriate. ~~(S)~~

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(U)

~~Derived from: G-3
Declassify on: X25-1~~

~~SECRET~~

*Can 10/7/03
NSC*

APPROVED:

Crim. Inv. _____ Inspection _____ Training _____
CJIS _____ Laboratory _____ Off. of EEO _____
Finance _____ National Sec. _____ Affairs _____
Director _____ Gen. Coun. _____ Off. of Public & _____
_____ _____ Cong. Affs. _____

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(U)

~~(S)~~ A "United States person" is defined in Section 101(i) of the Foreign Intelligence Surveillance Act (FISA) (codified at 50 U.S.C. Section 1801 et seq.) as a "citizen of the United States [or] an alien lawfully admitted for permanent residence (as defined in Section 101(a)(20) of the Immigration and Naturalization Act)" See also [redacted] of the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations.

*AKL, NSC
10/7/03*

October 23, 2003
BY COURIER

*6/20/03
Clark*

General Brent Scowcroft (USAF Retired)
Chairman
Intelligence Oversight Board
New Executive Office Building
Washington, D.C.

Dear General Scowcroft:

Enclosed for your information is a self-explanatory
letterhead memorandum (LHM), entitled "Intelligence Oversight
Board (IOB) Matter, [redacted]

b2
b7E

[redacted] Federal
Bureau of Investigation Headquarters (FBIHQ), 2003-95." (U)

This LHM sets forth details of investigative activity which
the FBI has determined was conducted contrary to the Attorney
General Guidelines for FBI Foreign Intelligence Collection and
Foreign Counterintelligence Investigations and/or laws, Executive
Orders, or Presidential Directives which govern FBI foreign
counterintelligence and international terrorism investigations.
(U)

Enclosure

1 - [redacted]
1 - [redacted]

b6
b7C

1 - Mr. Kelley
① - 218-HQ-C1229736-V70-206

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

~~Derived from: G-3
Declassify on: X25-1~~

~~SECRET~~

Hofmann-IOB-44

- Dep. Dir. _____
- Chief of Staff _____
- Off. of Gen. _____
- Counsel _____
- Asst. Dir.:
- Admin. Ser. _____
- Crim. Inv. _____
- CJIS _____
- Finance _____
- Info. Res. _____
- Lab. _____
- National Sec. _____
- OPR _____
- Off. of Public & Cong. Affs. _____
- Training _____
- Off. of EEOA _____
- Director's Office _____

~~SECRET~~

General Brent Scowcroft (USAF Retired)

Should you or any member of your staff require additional information concerning this matter, an oral briefing will be arranged for you at your convenience. (U)

Sincerely,

Patrick W. Kelley
Deputy General Counsel

1 - The Honorable John D. Ashcroft
Attorney General
U.S. Department of Justice
Room 5111

1 - Mr. H. Marshall Jarrett
Counsel, Office of Professional Responsibility
U.S. Department of Justice
Room 4304

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

AKC, CTCW II
JR, NSLD

DATE: 06-28-2010
CLASSIFIED BY 65179\DMH\PLJ\sdb
REASON: 1.4 (c)
DECLASSIFY ON: 06-28-2035

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

(S)

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[REDACTED]
[REDACTED]
FEDERAL BUREAU OF INVESTIGATION HEADQUARTERS (FBIHQ) (U)
2003-95

(S)

Investigation of this IOB matter has determined that, on [REDACTED] the [REDACTED] Division [REDACTED] initiated a [REDACTED] which is (and remains) a "United States person" as that term is used in Section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (FISA). Thus, continuation of the investigation required that [REDACTED] and [REDACTED] [REDACTED] comply with the reporting requirements of the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations (FCIG). Consistent with those requirements, [REDACTED] prepared and submitted an initial 90-day letterhead memorandum (LHM) on [REDACTED]. Due to urgent continuing operational demands since September 11, 2001, [REDACTED] [REDACTED] failed to review and forward [REDACTED]'s 90-day LHM to the Office of Intelligence Policy and Review (OIPR), Department of Justice (DOJ), as required. The error went undetected until [REDACTED] when [REDACTED]'s first annual LHM was forwarded by [REDACTED] to the National Security Law Unit ("NSLU," the predecessor to NSLB), FBIHQ, for submission to OIPR and NSLU notified [REDACTED] of a possible IOB violation. (S)

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(U)

A copy of this submission to the IOB has been provided to the FBI's Executive Assistant Director for Counterterrorism/Counterintelligence and the FBI's Office of Professional Responsibility for action deemed appropriate. (U)

~~Derived from: G-3
Declassify on: X25-1~~

~~SECRET~~

APPROVED: Crim. Inv. _____ Inspection _____ Training _____
 CJIS _____ Laboratory _____ Off. of EEO _____
 Finance _____ External Sec. _____ Affairs _____
Director _____ Gen. Counsel _____ CIR _____ Off. of Public & _____
Deputy Director _____ Info. Res. _____ Personnel _____ Cong. Affs. _____
Hofmann IOB-46



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b7C

11/11/11

Remainder of page is blank

Hofmann-IOB-47

October 23, 2003
BY COURIER

*16
Kato
Clerk*

General Brent Scowcroft (USAF Retired)
Chairman
Intelligence Oversight Board
New Executive Office Building
Washington, D.C.

b2
b7E

Dear General Scowcroft:

Enclosed for your information is a self-explanatory
letterhead memorandum (LHM), entitled "Intelligence Oversight
Board (IOB) Matter, [redacted]
[redacted] Federal
Bureau of Investigation Headquarters (FBIHQ), 2003-87." (U)

This LHM sets forth details of investigative activity which
the FBI has determined was conducted contrary to the Attorney
General Guidelines for FBI Foreign Intelligence Collection and
Foreign Counterintelligence Investigations and/or laws, Executive
Orders, or Presidential Directives which govern FBI foreign
counterintelligence and international terrorism investigations.
(U)

Enclosure

- 1 - Mr. [redacted]
- 1 - Mr. Kelley
- 1 - Ms. [redacted]

b6
b7C

218-HQ-0221736-VFO-209

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

~~Derived from: G-3
Declassify on: X25-1~~

~~SECRET~~

Hofmann-IOB-48

- Dep. Dir. _____
- Chief of Staff _____
- Off. of Gen. _____
- Counsel _____
- Asst. Dir.: _____
- Admin. Ser. _____
- Crim. Inv. _____
- CJIS _____
- Finance _____
- Info. Res. _____
- Lab. _____
- National Sec. _____
- OPR _____
- Off. of Public & Cong. Affs. _____
- Training _____
- Off. of EEOA _____
- Director's Office _____

~~SECRET~~

General Brent Scowcroft (USAF Retired)

Should you or any member of your staff require additional information concerning this matter, an oral briefing will be arranged for you at your convenience. (U)

Sincerely,

Patrick W. Kelley
Deputy General Counsel

- 1 - The Honorable John D. Ashcroft
Attorney General
U.S. Department of Justice
Room 5111

- 1 - Mr. H. Marshall Jarrett
Counsel, Office of Professional Responsibility
U.S. Department of Justice
Room 4304

APPROVED:	Crim. Inv.	Inspection	Training
	CJIS	Laboratory	
Director	Finance	National Sec.	
Deputy Director	Gen. Counsel <i>PWK</i>	OPR	
	Info. Res.	Personnel	Comp. Affs.

Aid, CTU/II
JPK, NSLB

~~SECRET~~

DATE: 06-28-2010
CLASSIFIED BY 65179\DMH\PLJ\sdb
REASON: 1.4 (c)
DECLASSIFY ON: 06-28-2035

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

(S) INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[redacted]
[redacted]
FEDERAL BUREAU OF INVESTIGATION HEADQUARTERS (FBIHQ) (U)
2003-87

b2
b7E

Investigation of this IOB matter has determined that, on [redacted] the [redacted] Division ([redacted]) initiated a [redacted] who is (and remains) a "United States person" as that term is used in Section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (FISA). Thus, continuation of the investigation required that [redacted] and [redacted] comply with the reporting requirements of the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations (FCIG). Consistent with those requirements, [redacted] prepared and submitted a 90-day letterhead memorandum (LHM). However, rather than prepare and submit it to FBI Headquarters by [redacted] when it was due, per the FCIG, it was prepared and submitted on [redacted] almost four months late. The error went undetected until [redacted] when [redacted]'s first annual LHM was forwarded by [redacted] to the National Security Law Unit ("NSLU," the predecessor to NSLB), FBIHQ, for submission to OIPR and NSLU notified [redacted] of a possible IOB violation. (S)

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A copy of this submission to the IOB has been provided to the FBI's Executive Assistant Director for Counterterrorism/Counterintelligence and FBI's Office of Professional Responsibility for action deemed appropriate. (U)

APPROVED:	Crim. Inv. _____	Inspection _____	Training _____
	CJIS _____	Laboratory _____	Off. of EEO _____
	Finance _____	National Sec. _____	Affairs _____
	Director _____	Gen. Counsel _____	Off. of Public & _____
	Deputy Director _____	Info. Res. _____	Personnel _____

~~Derived from : G-3
Declassify on: X25-1~~

~~SECRET~~

Hofmann-IOB-50

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DECLASSIFIED BY 65179\DMH\PLJ\sdb
ON 06-28-2010

103

October 23, 2003
BY COURIER

General Brent Scowcroft (USAF Retired)
Chairman
Intelligence Oversight Board
Room 5020
New Executive Office Building
725 17th Street, N.W.
Washington, D.C. 20503

Dear General Scowcroft:

Enclosed for your information is a self-explanatory letterhead memorandum (LHM), entitled "Intelligence Oversight Board (IOB) Matter, IOB 2003 85." (U)

This LHM sets forth details of investigative activity which the FBI has determined was conducted contrary to the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations and/or laws, Executive Orders, or Presidential Directives which govern FBI foreign counterintelligence and international terrorism investigations. (U)

Enclosure

① 278-HQ-C1229736-VIO - 210
1 -

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b7C

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

~~Classified by: 39645 NSA/OGC
Reason: 1.5(c)
Declassify on: X1~~

~~SECRET~~

1 Hofmann-IOB-52

- Dep. Dir. _____
- Chief of Staff _____
- Off. of Gen. _____
- Counsel _____
- Asst. Dir.: _____
- Admin. Ser. _____
- Crim. Inv. _____
- CJIS _____
- Finance _____
- Info. Res. _____
- Lab. _____
- National Sec. _____
- OPR _____
- Off. of Public & Cong. Affs. _____
- Training _____
- Off. of EEOA _____
- Director's Office _____

General Brent Scowcroft (USAF Retired)

Should you or any member of your staff require additional information concerning this matter, an oral briefing will be arranged for you at your convenience.

Sincerely,

Patrick W. Kelley
Deputy General Counsel

- 1 - The Honorable John D. Ashcroft
Attorney General
U.S. Department of Justice
Room 5111
- 1 - Mr. H. Marshall Jarrett
Counsel, Office of Professional Responsibility
U.S. Department of Justice
Room 4304

APPROVED:

Crim. Inv.	Inspection	Training
C.I.S.	Laboratory	Off. of EEO
Financa	National Sec.	Affairs
Director	Gen. Counsel	Off. of Public &
Deputy Director	Info. Res.	Personnel
		Cong. Affs.

DATE: 06-28-2010
CLASSIFIED BY 65179\DMH\PLJ\sdb
REASON: 1.4 (c)
DECLASSIFY ON: 06-28-2035

ALL INFORMATION CONTAINED
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WHERE SHOWN OTHERWISE

~~SECRET~~

(S) INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
IOB 2003 85 (U)

(S) Investigation of this IOB matter has determined that [redacted] a "United States person" as that term is used in the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations (FCIG),¹ became the subject of a [redacted] on [redacted]. Thus the initiation and continuation of the [redacted] required the [redacted] Field Office and [redacted] to comply with the requirements of Executive Order 12863 and the FCIG. On [redacted] [redacted] Field Office submitted the annual letterhead memorandum (LHM) to the [redacted] Unit, Counterterrorism Division. Due to urgent continuing operational demands since September 11, 2001, the LHM was not reviewed and forwarded by the [redacted] Unit to the National Security Law Unit (NSLU) for dissemination to OIPR until [redacted]. The failure of the [redacted] to review and properly disseminate [redacted]'s annual LHM for nearly five months is a violation of [redacted] of the FBI's National Foreign Intelligence Program Manual. As a result of the delinquent LHM, OIPR was not provided the annual summary of the [redacted] in accordance with [redacted] of the FCIG. This delayed reporting clearly precluded OIPR from exercising its responsibility for oversight and review of an ongoing foreign counterintelligence investigation of a U.S. person, contrary to the requirements of the FCIG. This matter has been referred to the FBI's Office of Professional Responsibility for action deemed appropriate.

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APPROVED:	Crim. Inv.	Inspection	Training
	CIS	Laboratory	Off. of EEO
Director	Finance	National Sec.	Affairs
Deputy Director	Gen. Counsel	OIPR	Off. of Public & Corp. Affs.
	Info. Res.	Personnel	

~~Derived from: G-3
Declassify on: X-1~~

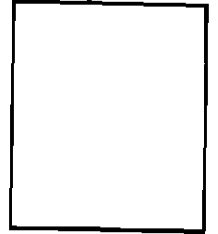
(U) ~~SECRET~~

¹ (S) A "United States person" is defined in [redacted] of the FCIG as "an individual who is . . . [a] United States citizen . . . or . . . [b] a permanent resident alien"
Hofmann-IOB-54

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~~SECRET~~

Hofmann-IOB-55

DECLASSIFIED BY 65179\DMH\PLJ\sdb
ON 06-28-2010

October 23, 2003
BY COURIER

General Brent Scowcroft (USAF Retired)
Chairman
Intelligence Oversight Board
Room 5020
New Executive Office Building
725 17th Street, N.W.
Washington, D.C. 20503

Dear General Scowcroft:

Enclosed for your information is a self-explanatory letterhead memorandum (LHM), entitled "Intelligence Oversight Board (IOB) Matter, IOB 2003 93." (U)

This LHM sets forth details of investigative activity which the FBI has determined was conducted contrary to the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations and/or laws, Executive Orders, or Presidential Directives which govern FBI foreign counterintelligence and international terrorism investigations. (U)

Enclosure

①-278-HQ-C(2)9736-173
-212

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

~~Classified by: 39645, NSA/OGC
Reason: 1.5(c)
Declassify on: X1~~

- Dep. Dir. _____
- Chief of Staff _____
- Off. of Gen. _____
- Counsel _____
- Asst. Dir.:
- Admn. Ser. _____
- Crim. Inv. _____
- CJIS _____
- Finance _____
- Info. Res. _____
- Lnb. _____
- National Sec. _____
- OPR _____
- Off. of Public & Cong. Affs. _____
- Training _____
- Off. of EEOA _____
- Director's Office _____

~~SECRET~~

1 Hofmann-IOB-56

~~SECRET~~

General Brent Scowcroft (USAF Retired)

Should you or any member of your staff require additional information concerning this matter, an oral briefing will be arranged for you at your convenience.

Sincerely,

Patrick W. Kelley
Deputy General Counsel

- 1 - The Honorable John D. Ashcroft
Attorney General
U.S. Department of Justice
Room 5111

- 1 - Mr. H. Marshall Jarrett
Counsel, Office of Professional Responsibility
U.S. Department of Justice
Room 4304

APPROVED: Crim. Inv. _____ Inspection _____ Training _____
C.I.S. _____ Laboratory _____ Off. of EEO _____
Finance _____ National Sec. _____ Affairs _____
Director _____ Gen. Counsel *PWK* _____ OFR _____ Off. of Public & _____
Deputy Director _____ Info. Res. _____ Personnel _____ Cong. Affs. _____

~~SECRET~~

DATE: 06-28-2010
CLASSIFIED BY 65179\DMH\PLJ\sdb
REASON: 1.4 (c)
DECLASSIFY ON: 06-28-2035

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
IOB 2003 93 (U)

(S)

Investigation of this IOB matter has determined that, on [redacted] the [redacted] Field Office of the Federal Bureau of Investigation ("FBI") requested initiation of a [redacted] [redacted] who was a "United States person" as that term is used in the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations (FCIG).¹ Thus the initiation and continuation of the [redacted] required the [redacted] Field Office and [redacted] to comply with the requirements of Executive Order 12863 and the FCIG. [redacted] Field Office submitted its initial 90-day letterhead memorandum nearly four months beyond its original due date. As a result of the delinquent LHM, OIPR was not advised of the initiation of the [redacted] in accordance with Section [redacted] of the FCIG. This delayed reporting clearly precluded OIPR from exercising its responsibility for oversight and review of an ongoing foreign counterintelligence investigation of a U.S. person, contrary to the requirements of the FCIG. This matter has been referred to the FBI's Office of Professional Responsibility for action deemed appropriate.

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

~~Derived from: G-3
Declassify on: X-1~~

~~SECRET~~

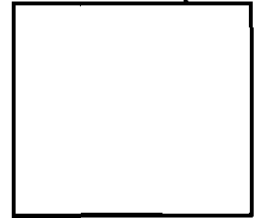
(U)

¹ (S) A "United States person" is defined in [redacted] of the FCIG as "an individual who is ... [a] United States citizen ... or ... [b] a permanent resident alien ..."

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DECLASSIFIED BY 65179\DMH\PLJ\sdb
ON 06-28-2010

October 27, 2003
BY COURIER

General Brent Scowcroft (USAF Retired)
Chairman
Intelligence Oversight Board
Room 5020
New Executive Office Building
725 17th Street, N.W.
Washington, D.C. 20503

Dear General Scowcroft:

Enclosed for your information is a self-explanatory letterhead memorandum (LHM), entitled "Intelligence Oversight Board (IOB) Matter, IOB 2003 101." (U)

This LHM sets forth details of investigative activity which the FBI has determined was conducted contrary to the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations and/or laws, Executive Orders, or Presidential Directives which govern FBI foreign counterintelligence and international terrorism investigations. (U)

Enclosure

1 - 278-HQ-C1229736 -VIO-216
1 -

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~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

~~Classified by: 39645, NSA/OGC
Reason: 1.5(e)
Declassify on: X1~~

~~SECRET~~

1 Hofmann-IOB-60

Dep. Dir. _____
Chief of Staff _____
Off. of Gen. _____
Counsel _____
Asst. Dir.: _____
Admin. Ser. _____
Crim. Inv. _____
CJIS _____
Finance _____
Info. Res. _____
Lab. _____
National Sec. _____
OPR _____
Off. of Public & Cong. Affs. _____
Training _____
Off. of EEOA _____
Director's Office _____

MAIL ROOM

FBI/DOJ

~~SECRET~~

General Brent Scowcroft (USAF Retired)

Should you or any member of your staff require additional information concerning this matter, an oral briefing will be arranged for you at your convenience.

Sincerely,

Patrick W. Kelley
Deputy General Counsel

- 1 - The Honorable John D. Ashcroft
Attorney General
U.S. Department of Justice
Room 5111

- 1 - Mr. H. Marshall Jarrett
Counsel, Office of Professional Responsibility
U.S. Department of Justice
Room 4304

APPROVED: Crim. Inv. _____ Inspection _____ Training _____
C.I.S. _____ Laboratory _____ Off. of EEO _____
Finance _____ National Sec. _____ Affairs _____
Director _____ Gen. Counsel *PK* _____ Off. of Public & _____
Deputy Director _____ Info. Res. _____ Personnel _____ Cong. Affs. _____

~~SECRET~~

~~SECRET~~

(S)

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
IOB 2003 101 (U)

Investigation of this IOB matter has determined that, on [redacted] the [redacted] Field Office of the Federal Bureau of Investigation ("FBI") requested initiation of a [redacted] [redacted] who was a "United States person" as that term is used in the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations (FCIG).¹ Thus the initiation and continuation of the [redacted] required the [redacted] Field Office and [redacted] to comply with the requirements of Executive Order 12863 and the FCIG. [redacted] Field Office submitted its initial 90-day letterhead memorandum nearly four months beyond its original due date. As a result of the delinquent LHM, OIPR was not advised of the initiation of the [redacted] in accordance with [redacted] of the FCIG. This delayed reporting clearly precluded OIPR from exercising its responsibility for oversight and review of an ongoing foreign counterintelligence investigation of a U.S. person, contrary to the requirements of the FCIG. This matter has been referred to the FBI's Office of Professional Responsibility for action deemed appropriate.

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APPROVED:	Crim. Inv. _____	Inspection _____	Training _____
	C.I.S. _____	Laboratory _____	Off. of EEO _____
	Finance _____	National Sec. _____	Affairs _____
	Director _____	Gen. Counsel _____	Off. of Public Aff. _____
Deputy Director _____	Info. Res. _____	Personnel _____	Cong. Aff. _____

~~Derived from: G-3
Declassify on: X-1~~

~~SECRET~~

(U)

¹ (S) A "United States person" is defined in [redacted] of the FCIG as "an individual who is ... [a] United States citizen ... or ... [b] a permanent resident alien ..."

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b7E

DECLASSIFIED BY 65179\DMH\PLJ\sdb
ON 06-28-2010

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8

October 29, 2003
BY COURIER

General Brent Scowcroft (USAF Retired)
Chairman
Intelligence Oversight Board
Room 5020
New Executive Office Building
725 17th Street, N.W.
Washington, D.C. 20503

Dear General Scowcroft:

Enclosed for your information is a self-explanatory memorandum, entitled "Intelligence Oversight Board (IOB) Matter, IOB 2003 100." (U)

This LHM sets forth details of investigative activity which the FBI has determined was conducted contrary to the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations and/or laws, Executive Orders, or Presidential Directives which govern FBI foreign counterintelligence and international terrorism investigations. (U)

Enclosure

① 18-HQ-CU29136-VFO-221

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~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

- Dep. Dir. _____
- ADD Adm. _____
- ADD Inv. _____
- Asst. Dir.:
- Adm. Servs. _____
- Crim. Inv. _____
- Ident. _____
- Insp. _____
- Intell. _____
- Lab. _____
- Legal Coun. *2003/10/29*
- Rec. Mgnt. _____
- Tech. Servs. _____
- Training _____
- Cong. Affs. Off. _____
- Off. of EEO _____
- Off. Liaison & Int. Affs. _____
- Off. of Public Affs. _____
- Telephone Rm. _____
- Director's Sec'y _____

~~Classified by: 39645, NSA/OGC
Reason: 1.5(c)
Declassify on: X1~~

~~SECRET~~

Hofmann-IOB-64

MAIL ROOM

~~SECRET~~

General Brent Scowcroft (USAF Retired)

Should you or any member of your staff require additional information concerning this matter, an oral briefing will be arranged for you at your convenience.

Sincerely,

Patrick W. Kelley
Deputy General Counsel

- 1 - The Honorable John D. Ashcroft
Attorney General
U.S. Department of Justice
Room 5111
- 1 - Mr. H. Marshall Jarrett
Counsel, Office of Professional Responsibility
U.S. Department of Justice
Room 4304

~~SECRET~~

Hofmann-IOB-65

CTZU II
RAB

DATE: 06-28-2010
CLASSIFIED BY 65179\DMH\PLJ\sdb
REASON: 1.4 (c)
DECLASSIFY ON: 06-28-2035

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
IOB 2003 100 (U)

(S)

Investigation of this IOB matter has determined that, on [redacted] the [redacted] Field Office of the Federal Bureau of Investigation ("FBI") initiated a [redacted] of [redacted] who was a "United States person" as that term is used in the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations (FCIG).¹ Thus the initiation and continuation of the [redacted] required the [redacted] Field Office and [redacted] to comply with the requirements of Executive Order 12863 and the FCIG. [redacted] Field Office submitted its initial 90-day letterhead memorandum on [redacted] in a timely fashion. However, the [redacted] [redacted] did not forward the LHM until [redacted] due to urgent continuing operational demands relating to the events of September 11, 2001. As a result of the delinquent LHM, OIPR was not properly advised of the initiation of the [redacted] in accordance with [redacted] of the FCIG. This delayed reporting clearly precluded OIPR from exercising its responsibility for oversight and review of an ongoing foreign counterintelligence investigation of a U.S. person, contrary to the requirements of the FCIG. This matter has been referred to the FBI's Office of Professional Responsibility for review and action deemed appropriate.

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~~Derived from: G-3
Declassify on: X-1~~

~~SECRET~~

(U)

¹ (S) A "United States person" is defined in [redacted] of the FCIG as "an individual who is ... [a] United States citizen ... or ... [b] a permanent resident alien ..."
Hofmann-IOB-66

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32

November 7, 2003

BY COURIER

General Brent Scowcroft (USAF Retired)
Chairman
Intelligence Oversight Board
New Executive Office Building
Washington, D.C.

Dear General Scowcroft:

Enclosed for your information is a self-explanatory enclosure, entitled "Intelligence Oversight Board (IOB) Matter, [redacted] Federal Bureau of Investigation Headquarters (FBI HQ), 2003-138."

b2
b7E

This enclosure sets forth details of investigative activity which the FBI has determined was conducted contrary to the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations and/or laws, Executive Orders, or Presidential Directives which govern FBI foreign counterintelligence and international terrorism investigations. (U)

Enclosure

1 - Mr. Pistole

1 - [redacted]

1 - 278-HQ-C1229736-VIO-234

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~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

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

~~SECRET~~

Hofmann-IOB-67

~~SECRET~~

General Brent Scowcroft (USAF Retired)

Should you or any member of your staff require additional information concerning this matter, an oral briefing will be arranged for you at your convenience. (U)

Sincerely,

Patrick W. Kelley
Deputy General Counsel

- 1 - The Honorable John D. Ashcroft
Attorney General
U.S. Department of Justice
Room 5111

- 1 - Mr. H. Marshall Jarrett
Counsel, Office of Professional Responsibility
U.S. Department of Justice
Room 4304

APPROVED: Crim. Inv. _____ Inspection _____
SUS _____
Director _____ Gen. Counsel *C* _____
Deputy Director _____ Info. Res. _____ Personnel _____ Cong. Affs. _____

- 2 - Hofmann-IOB-68

~~SECRET~~

DATE: 06-28-2010
CLASSIFIED BY 65179\DMH\PLJ\sdb
REASON: 1.4 (c)
DECLASSIFY ON: 06-28-2035

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

(S)

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

b2
b7E

FEDERAL BUREAU OF INVESTIGATION HEADQUARTERS (FBIHQ)

2003-138 (U)

Investigation of this IOB matter has determined that, on [redacted] the [redacted] Division [redacted] initiated a [redacted] who is a "United States person" as that term is used in Section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (FISA).¹ Thus, continuation of the investigation required that [redacted] and the [redacted] the [redacted], [redacted], comply with the reporting requirements of the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations (FCIG). [redacted] and [redacted] failed to forward the 90-day LHM to the Office of Intelligence Policy and Review (OIPR), Department of Justice (DOJ), as required. On [redacted] [redacted] forwarded the annual LHM to [redacted] then sent the LHM to the National Security Law Branch for delivery to OIPR. It was at this point that the reporting error was detected. On [redacted] the National Security Law Branch, FBIHQ, notified [redacted] of the possible IOB violation. This matter has been referred to the FBI's Office of Professional Responsibility for action deemed appropriate (S).

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

~~SECRET~~

APPROVED:

Crim. Inv.	Inspection	Training	
CJIS	Laboratory	Off. of EEO	
Finance	National Sec.	Affairs	
Director	Gen. Counsel	Off. of Public &	
Deputy Director	Info. Res.	Personnel	Cong. Affs.

(U)

¹ (S) A "United States person" is defined in Section 101(i) of the Foreign Intelligence Surveillance Act (FISA) (codified at 50 U.S.C. § 1801 et seq.) as "a citizen of the United States [or] an alien lawfully admitted for permanent residence (as defined in section 101(a) (20) of the Immigration and Naturalization Act)" See also [redacted] of the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations.

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b7E

² The [redacted] has been reorganized. [redacted] is now the Headquarters' unit responsible for this case. Hofmann-IOB-89

32

November 12, 2003

BY COURIER

General Brent Scowcroft (USAF Retired)
Chairman
Intelligence Oversight Board
New Executive Office Building
Washington, D.C.

Dear General Scowcroft:

Enclosed for your information is a self-explanatory enclosure, entitled "Intelligence Oversight Board (IOB) Matter, [redacted], Federal Bureau of Investigation Headquarters (FBI HQ), 2003-132."

b2
b7E

This enclosure sets forth details of investigative activity which the FBI has determined was conducted contrary to the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations and/or laws, Executive Orders, or Presidential Directives which govern FBI foreign counterintelligence and international terrorism investigations. (U)

Enclosure

1 - Mr. Pistole

1 - [redacted]

1 - [redacted]

① 278-HQ-C1229736-VIO - 242

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b7C

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

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

~~SECRET~~

Hofmann-IOB-70

~~SECRET~~

General Brent Scowcroft (USAF Retired)

Should you or any member of your staff require additional information concerning this matter, an oral briefing will be arranged for you at your convenience. (U)

Sincerely,

Patrick W. Kelley
Deputy General Counsel

- 1 - The Honorable John D. Ashcroft
Attorney General
U.S. Department of Justice
Room 5111

- 1 - Mr. H. Marshall Jarrett
Counsel, Office of Professional Responsibility
U.S. Department of Justice
Room 4304

APPROVED:

Director _____	Crim. Inv. _____	Inspection _____	Training _____
Deputy Director _____	C.I.S. _____	Lab. Div. _____	Off. of EEO _____
	Finance _____	Adm. Sec. _____	Affairs _____
	Gen. Counsel _____	CPA _____	Off. of Public & _____
	Info. Res. _____	Personnel _____	Cong. Affs. _____

- 2 - Hofmann-IOB-71

~~SECRET~~

~~SECRET~~

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HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

INTELLIGENCE OVERSIGHT BOARD (IOB)

b2
b7E

FEDERAL BUREAU OF INVESTIGATION HEADQUARTERS (FBIHQ)
2003-132 (U)

Investigation of this IOB matter has determined that, on [redacted], the [redacted] Division (" [redacted] ") initiated a [redacted] who is a "United States person" as that term is used in Section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (FISA).¹ Thus, continuation of the investigation required that [redacted] and [redacted] [redacted] comply with the reporting requirements of the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations (FCIG). Consistent with those requirements, [redacted] prepared and submitted an initial 90-day letterhead memorandum (LHM) on [redacted], setting forth the basis for its initiation of a [redacted] of the subject, and it submitted the first annual LHM on [redacted]. [redacted] failed to forward [redacted]'s 90-day LHM or the first annual LHM to the Office of Intelligence Policy and Review (OIPR), Department of Justice (DOJ), as required (S).

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Subsequently, in [redacted] the case was transferred to the [redacted] Division [redacted] and the [redacted] [redacted] became [redacted] responsible for the case (now known as [redacted]). [redacted] did not file an annual LHM for [redacted] as required. [redacted] transferred the case to the [redacted] Division [redacted] on [redacted] [redacted] timely submitted an annual LHM to the [redacted] on [redacted] which the [redacted] forwarded to the National Security Law Unit. It was at this point that the reporting errors were detected. The National Security Law Unit, FBIHQ, notified the [redacted] of the possible IOB violation on December 27, 2002. This matter has been referred to the FBI's Office of Professional Responsibility for action deemed appropriate (S).

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Derived from : G-3
Declassify on: X
~~SECRET~~
APPROVED:
Director _____
Deputy Director _____
Gran. Inv. _____
C.I.S. _____
Finance _____
Gen. Counsel _____
Info. Res. _____
Inspection _____
Laboratory _____
National Sec. _____
OPR _____
Personnel _____
Training _____
Off. of EEO _____
Affairs _____
Off. of Public & _____
Cond. Affs. _____

¹ (S) A "United States person" is defined in Section 101(i) of the Foreign Intelligence Surveillance Act (FISA) (codified at 50 U.S.C. § 1801 et seq.) as "a citizen of the United States [or] an alien lawfully admitted for permanent residence (as defined in section 101(a) (20) of the Immigration and Naturalization Act)" See also [redacted] of the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations.

DECLASSIFIED BY 65179/DMH/LRP/sdb
ON 06-28-2010

32

November 12, 2003

BY COURIER

General Brent Scowcroft (USAF Retired)
Chairman
Intelligence Oversight Board
New Executive Office Building
Washington, D.C.

Dear General Scowcroft:

Enclosed for your information is a self-explanatory enclosure, entitled "Intelligence Oversight Board (IOB) Matter, [redacted], Federal Bureau of Investigation Headquarters (FBI HQ), 2003-133."

b2
b7E

This enclosure sets forth details of investigative activity which the FBI has determined was conducted contrary to the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations and/or laws, Executive Orders, or Presidential Directives which govern FBI foreign counterintelligence and international terrorism investigations. (U)

Enclosure

1 - Mr. Pistole

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1 - [redacted]
1 - [redacted]

1 - 278-HQ-C1229736-VIO-244

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

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

~~SECRET~~ Hofmann-IOB-73

~~SECRET~~

General Brent Scowcroft (USAF Retired)

Should you or any member of your staff require additional information concerning this matter, an oral briefing will be arranged for you at your convenience. (U)

Sincerely,

Patrick W. Kelley
Deputy General Counsel

- 1 - The Honorable John D. Ashcroft
Attorney General
U.S. Department of Justice
Room 5111

- 1 - Mr. H. Marshall Jarrett
Counsel, Office of Professional Responsibility
U.S. Department of Justice
Room 4304

APPROVED: Crim. Inv. _____ Inspection _____ Training _____
CJIS _____ Laboratory _____ Off. of EEO _____
Finance _____ National Sec. _____ Affairs _____
Director _____ Gen. Counsel IC _____ Off. of Public & _____
Deputy Director _____ Info. Res. _____ Personnel _____ Cong. Affs _____

- 2 -

~~SECRET~~

Hofmann-IOB-74

32

November 12, 2003

BY COURIER

General Brent Scowcroft (USAF Retired)
Chairman
Intelligence Oversight Board
Room 5020
New Executive Office Building
725 17th Street, N.W.
Washington, D.C. 20503

Dear General Scowcroft:

This letter forwards for your information a self-explanatory enclosure entitled, "Intelligence Oversight Board (IOB) Matter, IOB 2003 98." (U)

The enclosure sets forth details of investigative activity which the FBI has determined was conducted contrary to the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations and/or laws, Executive Orders, or Presidential Directives which govern FBI foreign counterintelligence and international terrorism investigations. (U)

Enclosure

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

~~Classified by: 39645, NSA/OGC
Reason: 1.5(c)
Declassify on: X25-1~~

- Dep. Dir. _____
- Chief of Staff _____
- Off. of Gen. Counsel _____
- Asst. Dir. _____
- Adm. Serv. _____
- Crim. Inv. _____
- Ident. _____
- Intell. _____
- Lab. _____
- National Sec. _____
- Off. of Public & Cong. Affs. _____
- Training _____
- Off. of EEOA _____
- Director's Office _____

- 1 - Mr. Kelley
 - 1 - Mr. [Redacted]
 - 1 - Mr. [Redacted]
 - 1 - IOB Library
- 278-HQ-C1229736-VIO-245

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~~SECRET~~ Hofmann-IOB-76

ALL, CTW II
NSLS

APPROVED: _____

Crim. Inv. _____	Inspection _____	Training _____
CJIS _____	Laboratory _____	Off. of EEO _____
Finance _____	National Sec. _____	Affairs _____
Director _____	Gen. Counsel _____	Off. of Public & Cong. Affs. _____
Asst. Dir. _____	Info. Res. _____	Personnel _____

MAIL ROOM

~~SECRET~~

General Brent Scowcroft (USAF Retired)

Should you or any member of your staff require additional information concerning this matter, an oral briefing will be arranged for you at your convenience.

Sincerely,

Patrick W. Kelley
Deputy General Counsel

- 1 - The Honorable John D. Ashcroft
Attorney General
U.S. Department of Justice
Room 5111
- 1 - Mr. H. Marshall Jarrett
Counsel, Office of Professional Responsibility
U.S. Department of Justice
Room 4304

~~SECRET~~

- 2 -

Hofmann-IOB-77

DATE: 06-29-2010
CLASSIFIED BY 65179/DMH/PLJ/sdb
REASON: 1.4 (c)
DECLASSIFY ON: 06-29-2035

~~SECRET~~

(S) INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
IOB 2003 98 (U)

(S)

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Investigation of this IOB matter has determined that [redacted] [redacted] who was a "United States person" as that term is used in the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations (FCIG),¹ was opened by the [redacted] Field Office of the Federal Bureau of Investigation ("FBI") on [redacted]. The initiation and continuation of the [redacted] required that the [redacted] Field Office and [redacted] comply with the requirements of Executive Order 12863 and the FCIG. However, the [redacted] Field Office did not submit an initial 90-day letterhead memorandum to the Headquarters substantive unit until [redacted]. [redacted] submitted the initial 90-day letterhead memorandum on [redacted] for dissemination to the Office of Intelligence Policy and Review (OIPR) of the United States Department of Justice. As a result of the significantly delayed reporting of the initial 90-day letterhead memorandum, OIPR was precluded from exercising its responsibility for oversight and review of an ongoing foreign counterintelligence investigation of a U.S. person, contrary to the requirements of the FCIG.

This matter has been referred to the FBI's Office of Professional Responsibility for action deemed appropriate.

~~Derived from: G-3
Declassify on: X25-1~~

~~SECRET~~

(U)

¹ (S) A "United States person" is defined in [redacted] of the FCIG as "an individual who is ... [a] United States citizen ... or ... [b] a permanent resident alien ..."

Hofmann-IOB-78

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32

November 13, 2003

DECLASSIFIED BY 65179/DMH/PLJ/sdb
ON 06-29-2010

BY COURIER

General Brent Scowcroft (USAF Retired)
Chairman
Intelligence Oversight Board
Room 5020
New Executive Office Building
725 17th Street, N.W.
Washington, D.C. 20503

Dear General Scowcroft:

This letter forwards for your information a self-explanatory enclosure entitled, "Intelligence Oversight Board (IOB) Matter, IOB 2003 26." (U)

The enclosure sets forth details of investigative activity which the FBI has determined was conducted contrary to the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations and/or laws, Executive Orders, or Presidential Directives which govern FBI foreign counterintelligence and international terrorism investigations. (U)

Enclosure

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

~~Classified by: 39645, NSA/OGC
Reason: 1.5(c)
Declassify on: X25-1~~

- Dep. Dir. _____
- Chief of Staff _____
- Off. of Gen. _____
- Counsel _____
- Asst. Dir.:
- Admin. Serv. _____
- Criterrorism _____
- Crim. Inv. _____
- CJIS _____
- Finance _____
- Info. Res. _____
- Insp. _____
- Inv. Serv. _____
- Lab. _____
- National Sec. _____
- OPR _____
- Off. of Public & Cong. Affs. _____
- Training _____
- Off. of EEOA _____
- Director's Office _____

Mr. Kelley 1 - IOB Library
278-HQ-C1229736-VIO - 246

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AKL, CRUZ, NSC/B

APPROVED: _____

Crim. Inv.	Hofmann	IOB 79	Training
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Finance	_____	National Sec.	Affairs
Director	Gen. Counsel	C-R	Off. of Public &
Asst. Dir.	Info. Res.	Personnel	Cong. Affs.

MAIL ROOM

FBI/DOJ

~~SECRET~~

General Brent Scowcroft (USAF Retired)

Should you or any member of your staff require additional information concerning this matter, an oral briefing will be arranged for you at your convenience.

Sincerely,

Patrick W. Kelley
Deputy General Counsel

- 1 - The Honorable John D. Ashcroft
Attorney General
U.S. Department of Justice
Room 5111
- 1 - Mr. H. Marshall Jarrett
Counsel, Office of Professional Responsibility
U.S. Department of Justice
Room 4304

~~SECRET~~

-2-

Hofmann-IOB-80

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

(S)

INTELLIGENCE OVERSIGHT BOARD (IOB) MA.....
IOB 2003 26 (U)

(S)

Investigation of this IOB matter has determined that, a [redacted] [redacted] who was a "United States person" as that term is used in the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations (FCIG),¹ was opened by the [redacted] Field Office of the Federal Bureau of Investigation ("FBI") on [redacted]. The initiation and continuation of the [redacted] required that the [redacted] Field Office and [redacted] comply with the requirements of Executive Order 12863 and the FCIG. However, as of [redacted] one year after the initiation of the [redacted] [redacted] was unable to determine whether the initial 90-day letterhead memorandum had been received or disseminated by the program manager [redacted] [redacted] confirmed on [redacted] that the initial 90-day letterhead memorandum and the annual letterhead memorandum have been disseminated to the Office of Intelligence Policy and Review (OIPR) of the United States Department of Justice. As a result of the significantly delayed reporting of the initial 90-day letterhead memorandum, OIPR was precluded from exercising its responsibility for oversight and review of an ongoing foreign counterintelligence investigation of a U.S. person, contrary to the requirements of the FCIG.

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This matter has been referred to the FBI's Office of Professional Responsibility for action deemed appropriate.

~~Derived from: G-3
Declassify on: X25-1~~

~~SECRET~~

(U)

¹ (S) A "United States person" is defined in [redacted] of the FCIG as "an individual who is ... [a] United States citizen ... or ... [b] a permanent resident alien "
Hofmann-IOB-81

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DECLASSIFIED BY 65179/DMH/PLJ/sdb
ON 06-29-2010

November 13, 2003

BY COURIER

11/21/03

General Brent Scowcroft (USAF Retired)
Chairman
Intelligence Oversight Board
Room 5020
New Executive Office Building
725 17th Street, N.W.
Washington, D.C. 20503

Dear General Scowcroft:

This letter forwards for your information a self-explanatory enclosure entitled, "Intelligence Oversight Board (IOB) Matter, IOB 2003 104." (U)

The enclosure sets forth details of investigative activity which the FBI has determined was conducted contrary to the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations and/or laws, Executive Orders, or Presidential Directives which govern FBI foreign counterintelligence and international terrorism investigations. (U)

Enclosure

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

~~Classified by: 39645, NSA/OGC
Reason: 1.5(c)
Declassify on: X25-1~~

Dep. Dir. _____
Chief of Staff _____
Off. of Gen. _____
Counsel _____
Asst. Dir.: _____
Admin. Serv. 1 _____
Curterrorism _____
Crim. Inv. 1 _____
CJIS 1 _____
Finance _____
Info. Res. _____
Insp. _____
Inv. Serv. _____
Lab. _____
National Sec. _____
OPR _____
Off. of Public & Cong. Affs. _____
Training _____
Off. of EEOA _____
Director's Office _____

Mr. Kelley

1 - IOB Library
278-HQ-C1229736-VIO-247

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~~SECRET~~

ADD: NS/S/S
C/W/P

APPROVED: _____
Crim. Inv. Hofman _____
CJIS _____
Finance _____
Gen. Counsel V _____
Info. Res. _____
Inspector 82 _____
Laboratory _____
National Sec. _____
OPR _____
Personnel _____
Training _____
Off. of EEO _____
Affairs _____
Off. of Public & Cong. Affs. _____

Director _____
Deputy Director _____

MAIL ROOM

FBI/DOJ

~~SECRET~~

General Brent Scowcroft (USAF Retired)

Should you or any member of your staff require additional information concerning this matter, an oral briefing will be arranged for you at your convenience.

Sincerely,

Patrick W. Kelley
Deputy General Counsel

- 1 - The Honorable John D. Ashcroft
Attorney General
U.S. Department of Justice
Room 5111

- 1 - Mr. H. Marshall Jarrett
Counsel, Office of Professional Responsibility
U.S. Department of Justice
Room 4304

~~SECRET~~

- 2 -

Hofmann-IOB-83

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
IOB 2003 104 (U)

(S)

Investigation of this IOB matter has determined that, a [redacted] of [redacted] who was a "United States person" as that term is used in the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations (FCIG),¹ was opened by the [redacted] Field Office of the Federal Bureau of Investigation ("FBI") on [redacted]. The initiation and continuation of the FI required that the [redacted] Field Office and [redacted] comply with the requirements of Executive Order 12863 and the FCIG. However, the [redacted] Field Office did not submit an initial 90-day letterhead memorandum to [redacted] until [redacted] submitted the initial 90-day letterhead memorandum of [redacted] for dissemination to the Office of Intelligence Policy and Review (OIPR) of the United States Department of Justice. As a result of the significantly delayed reporting of the initial 90-day letterhead memorandum, OIPR was precluded from exercising its responsibility for oversight and review of an ongoing foreign counterintelligence investigation of a U.S. person, contrary to the requirements of the FCIG.

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This matter has been referred to the FBI's Office of Professional Responsibility for action deemed appropriate.

~~Derived from: G-3
Declassify on: X25-1~~

~~SECRET~~

(U)

¹ (S) A "United States person" is defined in [redacted] of the FCIG as "an individual who is ... [a] United States citizen ... or ... [b] a permanent resident alien ..."
Hofmann-IOB-84

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b7E

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DECLASSIFIED BY 65179/DMH/PLJ/sdb
ON 06-29-2010

November 13, 2003

BY COURIER

General Brent Scowcroft (USAF Retired)
Chairman
Intelligence Oversight Board
Room 5020
New Executive Office Building
725 17th Street, N.W.
Washington, D.C. 20503

Dear General Scowcroft:

This letter forwards for your information a self-explanatory enclosure entitled, "Intelligence Oversight Board (IOB) Matter, IOB 2003 82." (U)

The enclosure sets forth details of investigative activity which the FBI has determined was conducted contrary to the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations and/or laws, Executive Orders, or Presidential Directives which govern FBI foreign counterintelligence and international terrorism investigations. (U)

Enclosure

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

~~Classified by: 39645, NSA/OGC
Reason: 1.5(c)
Declassify on: X25-1~~

- Dep. Dir. _____
- Chief of Staff _____
- Off. of Gen. _____
- Counsel _____
- Asst. Dir.:
- Admin. Serv. 1
- Crim. Inv. 1
- CJIS 1
- Finance _____
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- Insp. _____
- Inv. Serv. _____
- Lab. _____
- National Sec. _____
- OPR _____
- Off. of Public & Cong. Affs. _____
- Training _____
- Off. of EEOA _____
- Director's Office _____

Mr. Kelley 1 - IOB Library
278-HQ-C1229736-VIO - 248

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~~SECRET~~

ALL NSUB, COVE

APPROVED: Hofman 100-85 Training

CJIS	Laboratory	Off. of EEO
Finance	National Sec.	Affairs
Director	Gen. Counsel	OPR
Deputy Director	Info. Res.	Personnel
		Off. of Public & Cong. Affs.

MAIL ROOM

FBI/DOJ

~~SECRET~~

General Brent Scowcroft (USAF Retired)

Should you or any member of your staff require additional information concerning this matter, an oral briefing will be arranged for you at your convenience.

Sincerely,

Patrick W. Kelley
Deputy General Counsel

- 1 - The Honorable John D. Ashcroft
Attorney General
U.S. Department of Justice
Room 5111
- 1 - Mr. H. Marshall Jarrett
Counsel, Office of Professional Responsibility
U.S. Department of Justice
Room 4304

~~SECRET~~

-2-

Hofmann-IOB-86

DATE: 06-29-2010
CLASSIFIED BY 65179/DMH/PLJ/sdb
REASON: 1.4 (c)
DECLASSIFY ON: 06-29-2035

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

(S)

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
IOB 2003 82 (U)

(S)

Investigation of this IOB matter has determined that [redacted] [redacted] who was a "United States person" as that term is used in the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations (FCIG),¹ was opened by the [redacted] Field Office of the Federal Bureau of Investigation ("FBI") on [redacted]. The initiation and continuation of the [redacted] required that the [redacted] Field Office and [redacted] comply with the requirements of Executive Order 12863 and the FCIG. However, the [redacted] Field Office did not submit an initial 90-day letterhead memorandum to [redacted] until [redacted]. [redacted] submitted the initial 90-day letterhead memorandum on [redacted] for dissemination to the Office of Intelligence Policy and Review (OIPR) of the United States Department of Justice. As a result of the significantly delayed reporting of the initial 90-day letterhead memorandum, OIPR was precluded from exercising its responsibility for oversight and review of an ongoing foreign counterintelligence investigation of a U.S. person, contrary to the requirements of the FCIG.

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This matter has been referred to the FBI's Office of Professional Responsibility for action deemed appropriate.

~~Derived from: G-3
Declassify on: X25-1~~

~~SECRET~~

(U)

¹ (S) A "United States person" is defined in [redacted] of the FCIG as "an individual who is ... [a] United States citizen ... or ... [b] a permanent resident alien ..."

Hofmann-IOB-87

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DECLASSIFIED BY 65179/DMH/PLJ/sdb
ON 06-29-2010

November 19, 2003

BY COURIER

General Brent Scowcroft (USAF Retired)
Chairman
Intelligence Oversight Board
New Executive Office Building
Washington, D.C.

Dear General Scowcroft:

This letter forwards for your information a self-explanatory enclosure entitled "Intelligence Oversight Board (IOB) Matter, 2003-107."

The enclosure sets forth details of investigative activity which the FBI has determined was conducted contrary to the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations and/or laws, Executive Orders, or Presidential Directives which govern FBI foreign counterintelligence and international terrorism investigations. (U)

Enclosure

1 - Mr. Kelley

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1 -

① - 278-HQ-CI229736-VIO - 252

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

~~Derived from : G-3
Declassify on: X1-25~~

~~SECRET~~ Hofmann-IOB-88

- Dep. Dir. _____
- Chief of Staff _____
- Off. of Gen. _____
- Counsel _____
- Asst. Dir.: _____
- Admin. Ser. _____
- Crim. Inv. _____
- CJIS _____
- Finance _____
- Info. Res. _____
- Lab. _____
- National Sec. _____
- OPR _____
- Off. of Public & Cong. Affs. _____
- Training _____
- Off. of EEOA _____
- Director's Office _____

~~SECRET~~

General Brent Scowcroft (USAF Retired)

Should you or any member of your staff require additional information concerning this matter, an oral briefing will be arranged for you at your convenience. (U)

Sincerely,

Patrick W. Kelley
Deputy General Counsel

- 1 - The Honorable John D. Ashcroft
Attorney General
U.S. Department of Justice
Room 5111
- 1 - Mr. H. Marshall Jarrett
Counsel, Office of Professional Responsibility
U.S. Department of Justice
Room 4304

APPROVED: Crim. Inv. _____ Inspection _____ Training _____
CNS _____ Laboratory _____ Off. of EEO _____
Finance _____ National Sec. _____ Affairs _____
Director _____ Gen. Counsel *PW* _____ Off. of Public & _____
Deputy Director _____ Info. Res. _____ Personnel *DB-89* _____ Cong. Affs _____
Hofmann

- 2 -
~~SECRET~~

BAN/CLUZ
10/20/03

AKK,
CTW/DMW
11/4/03

DATE: 06-29-2010
CLASSIFIED BY 65179/DMH/PLJ/sdb
REASON: 1.4 (c)
DECLASSIFY ON: 06-29-2035

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

(S)

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
IOB 2003 107 (U)

Investigation of this IOB matter has determined that, on [redacted] the [redacted] Field Office of the Federal Bureau of Investigation ("FBI") requested initiation of a [redacted] [redacted] who was a "United States person" as that term is used in the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations (FCIG).¹ Thus the initiation and continuation of the [redacted] required the [redacted] Field Office and [redacted] comply with the requirements of Executive Order 12863 and the FCIG. [redacted] Field Office submitted its annual letterhead memorandum during [redacted]. The subject subsequently relocated to the [redacted] Field Office territory and this [redacted] was assumed by the [redacted] Field Office. The [redacted] Field Office submitted its annual letterhead memorandum eleven months beyond its original due date. This delayed reporting clearly precluded OIPR from exercising its responsibility for oversight and review of an ongoing foreign counterintelligence investigation of a U.S. person, contrary to the requirements of the FCIG. This matter has been referred to the FBI's Office of Professional Responsibility for action deemed appropriate.

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~~Derived from: G-3
Declassify on: X1-25~~

Sanjiv 11/3/03

APPROVED: Crim. Inv. _____ Inspection _____ Training _____
CJIS _____ Laboratory _____ Off. of EEO _____
Finance _____ National Sec. _____ Affairs _____
~~SECRET~~ Director _____ Gen. Counsel *QWC* OPR _____ Off. of Public & _____
Deputy Director _____ Info. Res. _____ Personnel _____ Cong. Affs. _____

(U)

b2
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¹ ~~(S)~~ A "United States person" is defined in [redacted] of the FCIG as "an individual who is ... [a] United States citizen ... or ... [b] a permanent resident alien ..."
Hofmann-IOB-90

*AKK
wavy
4/4/03*

DECLASSIFIED BY 65179/DMH/PLJ/sdb
ON 06-29-2010

Handwritten initials

November 19, 2003

BY COURIER

General Brent Scowcroft (USAF Retired)
Chairman
Intelligence Oversight Board
New Executive Office Building
Washington, D.C.

Dear General Scowcroft:

This letter forwards for your information a self-explanatory enclosure entitled "Intelligence Oversight Board (IOB) Matter, [redacted]

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[redacted] IOB Matter 2003-136." (U)

The enclosure sets forth details of investigative activity which the FBI has determined was conducted contrary to the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations and/or laws, Executive Orders, or Presidential Directives which govern FBI foreign counterintelligence and international terrorism investigations. (U)

Enclosure

- b6 1 - Mr. Szady
- b7C 1 - Mr. Kelley
- 1 - [redacted]
- 1 - OPR

① 278-HQ-C1229736-VIO-254

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

- Dep. Dir. _____
- Chief of Staff _____
- Off. of Gen. _____
- Counsel _____
- Asst. Dir.:
- Admin. Ser. _____
- Crim. Inv. _____
- CIIS _____
- Finance _____
- Info. Res. _____
- Lab. _____
- National Sec. _____
- OPR _____
- Off. of Public & Cong. Affs. _____
- Training _____
- Off. of EEOA _____
- Director's Office _____

[redacted]

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

~~SECRET~~

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Hofmann-IOB-91

MAIL ROOM U

~~SECRET~~

General Brent Scowcroft (USAF Retired)

Should you or any member of your staff require additional information concerning this matter, an oral briefing will be arranged for you at your convenience. (U)

Sincerely,

Patrick W. Kelley
Deputy General Counsel

- 1 - The Honorable John D. Ashcroft
Attorney General
U.S. Department of Justice
Room 5111
- 1 - Mr. H. Marshall Jarrett
Counsel, Office of Professional Responsibility
U.S. Department of Justice
Room 4304
- 1 - Mr. James Baker
Counsel, Office of Intelligence Policy and Review
U.S. Department of Justice
Room 6150

- 2 -

~~SECRET~~

Hofmann-IOB-92

DATE: 06-29-2010
CLASSIFIED BY 65179 DMH/PLJ/sdb
REASON: 1.4 (c)
DECLASSIFY ON: 06-29-203

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

(S)

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

[Redacted]

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IOB MATTER 2003-136 (U)

Inquiry has determined that the [Redacted]

[Redacted]

(S)

[Redacted] In this regard, Public Law 102-395¹, as extended by Public Law 104-132², vests the Attorney General with authority to exempt [Redacted]

[Redacted]

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[Redacted] These errors have been reported to the Office of Intelligence Policy and Review, Department of Justice, and to the FBI's Office of Professional Responsibility for action deemed appropriate. (S)

Derived from: G-3
Declassify on: X1

~~SECRET~~ APPROVED:

Crim. Inv.	Inspection	Training
C.I.S.	Laboratory	Off. of EEO
Finance	National Sec.	Affairs
Director	Gen. Counsel	Off. of Public &
Deputy Director	Info. Res.	Cong. Affs.

JAMES
11/04/03

¹ Titled "Departments of Commerce, Justice and State, the Judiciary, and Related Agencies Appropriations Act, 1993."

² Titled "Antiterrorism and Effective Death Penalty Act of 1996."

45

November 24, 2003

BY COURIER

General Brent Scowcroft (USAF Retired)
Chairman
Intelligence Oversight Board
Room 5020
New Executive Office Building
725 17th Street, N.W.
Washington, D.C. 20503

Dear General Scowcroft:

This letter forwards for your information a self-explanatory enclosure entitled, "Intelligence Oversight Board (IOB) Matter, IOB 2003 66." (U)

The enclosure sets forth details of investigative activity which the FBI has determined was conducted contrary to the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations and/or laws, Executive Orders, or Presidential Directives which govern FBI foreign counterintelligence and international terrorism investigations. (U)

Enclosure

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

Classified by: 39645 NSA/OGC
Reason: 1.5(c)
Declassify on: X25-1

- Dep. Dir. _____
- Chief of Staff _____
- Off of Gen. _____
- Counsel 1 _____
- Asst Dir _____
- Adm. Serv. 1 _____
- Citizenism _____
- Crim Inv _____
- CIIS _____
- Finance _____
- Info Res _____
- Int. Affs _____
- Lab. Serv. _____
- Legal Coun. _____
- National Sec _____
- OPR _____
- Off of Public _____
- Off of Cong. Affs _____
- Training _____
- Off of EEOA _____

Mr. Kelley 1 - IOB Library
[Redacted] 1 - 278-HQ-C1229736-VIO-270

~~SECRET~~

-1-

Hofmann-IOB-94

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~~SECRET~~

General Brent Scowcroft (USAF Retired)

Should you or any member of your staff require additional information concerning this matter, an oral briefing will be arranged for you at your convenience.

Sincerely,

Patrick W. Kelley
Deputy General Counsel

- 1 - The Honorable John D. Ashcroft
Attorney General
U.S. Department of Justice
Room 5111
- 1 - Mr. H. Marshall Jarrett
Counsel, Office of Professional Responsibility
U.S. Department of Justice
Room 4304

~~SECRET~~

-2-

Hofmann-IOB-95

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
IOB 2003 66 (U)

(S) Investigation of this IOB matter has determined that a [redacted] of [redacted] who is a "United States person" as that term is used in the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations (FCIG),¹ was opened by the [redacted] Division of the Federal Bureau of Investigation ("FBI") on [redacted]. The initiation and continuation of the [redacted] required that [redacted] and [redacted] comply with the requirements of Executive Order 12863 and the FCIG. However, the Office of Intelligence and Policy Review ("OIPR") was not made aware of the opened investigation until [redacted] nearly one year after the initiation of the [redacted]. As a result of the significantly delayed reporting of the initial 90-day letterhead memorandum, OIPR was precluded from exercising its responsibility for oversight and review of an ongoing [redacted] of a U.S. person, contrary to the requirements of the FCIG.

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This matter has been referred to the FBI's Office of Professional Responsibility for action deemed appropriate.

~~Derived from: G-3
Declassify on: X25-1~~

~~SECRET~~

DATE: 06-29-2010
CLASSIFIED BY 65179 DMH/plj
REASON: 1.4 (c)
DECLASSIFY ON: 06-29-2035

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

(U) ~~(S)~~ A "United States person" is defined in [redacted] of the FCIG as "an individual who is ... [a] United States citizen ... or ... [b] a permanent resident alien"

b2
b7E

November 24, 2003

BY COURIER

43

General Brent Scowcroft (USAF Retired)
Chairman
Intelligence Oversight Board
Room 5020
New Executive Office Building
725 17th Street, N.W.
Washington, D.C. 20503

Dear General Scowcroft:

This letter forwards for your information a self-explanatory enclosure entitled, "Intelligence Oversight Board (IOB) Matter, IOB 2003 110." (U)

The enclosure sets forth details of investigative activity which the FBI has determined was conducted contrary to the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations and/or laws, Executive Orders, or Presidential Directives which govern FBI foreign counterintelligence and international terrorism investigations. (U)

Enclosure

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

~~Classified by: 39645, NSA/OGC
Reason: 1.5(c)
Declassify on: X25-1~~

- Dep. Dir. _____
- Chief of Staff _____
- Off. of Gen. Counsel _____
- Asst. Dir. _____
- Adm. Serv. 1 _____
- Crim. Inv. _____
- Ident. _____
- Intell. _____
- Lab. _____
- Legal Coun. _____
- Plan. & Insp. _____
- Rec. Mgmt. _____
- Tech. Serv. _____
- Training _____
- Off. of Public Affs. _____
- Off. of Cong. & Public Affs. _____
- Off. of Int. Affs. _____
- Off. of Liaison & Int. Affs. _____
- Off. of EEOA _____

Mr. Kelley

1 - IOB Library
278-HQ-C1229736-VIO -273

~~SECRET~~

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Hofmann-IOB-97

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~~SECRET~~

General Brent Scowcroft (USAF Retired)

Should you or any member of your staff require additional information concerning this matter, an oral briefing will be arranged for you at your convenience.

Sincerely,

Patrick W. Kelley
Deputy General Counsel

- 1 - The Honorable John D. Ashcroft
Attorney General
U.S. Department of Justice
Room 5111
- 1 - Mr. H. Marshall Jarrett
Counsel, Office of Professional Responsibility
U.S. Department of Justice
Room 4304

~~SECRET~~

-2-

Hofmann-IOB-98

DATE: 06-29-2010
CLASSIFIED BY 65179 DNH/plj
REASON: 1.4 (c)
DECLASSIFY ON: 06-29-2035

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
IOB 2003 110 (U)

(S)

(S)

Investigation of this IOB matter has determined that a [redacted] of [redacted] who is a "United States person" as that term is used in the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations (FCIG),¹ was opened by the [redacted] Field Office [redacted] of the Federal Bureau of Investigation ("FBI") on [redacted]. The initiation and continuation of [redacted] required that [redacted] and [redacted] comply with the requirements of Executive Order 12863 and the FCIG. However, the Office of Intelligence and Policy Review ("OIPR") was not made aware of the opened investigation until [redacted] one year after the initiation of [redacted]. As a result of the significantly delayed reporting of the initial 90-day letterhead memorandum, OIPR was precluded from exercising its responsibility for oversight and review of an ongoing [redacted] of a U.S. person, contrary to the requirements of the FCIG.

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This matter has been referred to the FBI's Office of Professional Responsibility for action deemed appropriate.

~~Derived from: G-3
Declassify on: X25-1~~

~~SECRET~~

(U)

¹ ~~(S)~~ A "United States person" is defined in [redacted] of the FCIG as "an individual who is . . . [a] United States citizen . . . or . . . [b] a permanent resident alien"

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Hofmann-IOB-99

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December 16, 2003

BY COURIER

General Brent Scowcroft (USAF Retired)
Chairman
Intelligence Oversight Board
New Executive Office Building
Washington, D.C.

Dear General Scowcroft:

Enclosed for your information is a self-explanatory enclosure, entitled "Intelligence Oversight Board (IOB) Matter, [redacted] Federal Bureau of Investigation Headquarters (FBI HQ), 2003-149."

b2
b7E

This enclosure sets forth details of investigative activity which the FBI has determined was conducted contrary to the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations and/or laws, Executive Orders, or Presidential Directives which govern FBI foreign counterintelligence and international terrorism investigations. (U)

Enclosure

1 - Mr. Pistole

1 - [redacted]

1 - 278-HQ-C1229736-VIO - 275

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APPROVED:	Crim. Inv. _____	Inspection _____	Training _____
	CNS _____	Laboratory _____	Off. of EEO _____
	Finance _____	National Sec. _____	Affairs _____
Director _____	Gen. Counsel <i>plc</i> _____	OSI _____	Off. of Public & _____
Deputy Director _____	Info. Res. _____	Personnel _____	Cong. Affs. _____

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

~~Derived from : G-3
Declassify on: X1-25~~

DECLASSIFIED BY 65179 DMH/plj
ON 06-29-2010

~~SECRET~~ Hofmann-IOB-100

~~SECRET~~

General Brent Scowcroft (USAF Retired)

Should you or any member of your staff require additional information concerning this matter, an oral briefing will be arranged for you at your convenience. (U)

Sincerely,

Patrick W. Kelley
Deputy General Counsel

- 1 - The Honorable John D. Ashcroft
Attorney General
U.S. Department of Justice
Room 5111
- 1 - Mr. H. Marshall Jarrett
Counsel, Office of Professional Responsibility
U.S. Department of Justice
Room 4304

- 2 -

~~SECRET~~

Hofmann-IOB-101

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED]
FEDERAL BUREAU OF INVESTIGATION HEADQUARTERS (FBIHQ)
2003-149 (U)

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(S) As noted in an electronic communication (EC), on [REDACTED]
[REDACTED] the [REDACTED] Division [REDACTED] initiated a [REDACTED]
[REDACTED] on [REDACTED] who is a
(S) "United States person" as that term is used in Section 101(i) of
the Foreign Intelligence Surveillance Act of 1978 (FISA).¹
Continuation of the investigation required that [REDACTED] and

[REDACTED]
comply with the reporting requirements of the Attorney General
Guidelines for FBI Foreign Intelligence Collection and Foreign
Counterintelligence Investigations (FCIG). As required,
[REDACTED] uploaded a 90-day LHM on [REDACTED]. From an
indication in its internal record keeping system, [REDACTED] thought
it had forwarded the 90-day LHM to National Security Law Unit³ on
[REDACTED]. NSLB does not have a record of receiving the
90-day LHM. In [REDACTED] and [REDACTED] forwarded
the Annual LHM to NSLB. It was at this point that the reporting
error was detected. On [REDACTED] the NSLB, FBIHQ, notified
[REDACTED] of the possible IOB violation. This matter has been
referred to the FBI's Office of Professional Responsibility for
action deemed appropriate.

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~~Derived from : G-3
Declassify on: X1-25~~

~~SECRET~~

APPROVED:	Orin Inv.	Inspection	Training
Director	Gen. Inv.	Personnel	Off. of EEO
Deputy Director	Info. Res.	Personnel	Off. of Public & Corp. Affs.

(U) ¹ (S) A "United States person" is defined in Section 101(i) of the
Foreign Intelligence Surveillance Act (FISA) (codified at 50 U.S.C. § 1801 et
seq.) as "a citizen of the United States [or] an alien lawfully admitted for
permanent residence (as defined in section 101(a)(20) of the Immigration and
Naturalization Act)" See also [REDACTED] of the Attorney General
Guidelines for FBI Foreign Intelligence Collection and Foreign Counter-
intelligence Investigations.

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² [REDACTED] was the Headquarters Unit
responsible for the case at the time the 90 day LHM was due, prior to the
reorganization of [REDACTED]

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³ In 2003, the National Security Law Unit was renamed to the National
Security Law Branch (NSLB).
Hoffmann-IOB-102