

~~SECRET~~

BY COURIER

October 27, 2004

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 2004-83." (U)

The enclosure sets forth details of investigative activity which the FBI has determined may have been 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)

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

- 1 - Ms. Thomas
- 1 - Mr.
- 1 - Mr.
- 1 - IOB Library
- 1 - 278-HQ-C1229736-VIO - 604

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

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Hofmann-IOB-305

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~~-2-~~

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,

Julie Thomas
Deputy General Counsel

Enclosure

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

- 1 - Mr. James Baker
Counsel, Office of Intelligence Policy and Review
U.S. Department of Justice
Room 6150

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

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

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Hofmann-IOB-306

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INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
IOB 2004-83 (U)

(S)

(S) The FBI received authorization from [redacted] on [redacted] for [redacted]. This authority included renewal [redacted]. Information concerning [redacted] was verified by the [redacted] office of the FBI before the renewal application was submitted.

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(S) The person to whom [redacted] from [redacted] until [redacted]. On [redacted], an FBI translator became concerned that she [redacted]. On [redacted], the same translator noticed that [redacted] and notified the case agent. After an internal check to determine whether the technical equipment was working properly, the FBI discontinued coverage [redacted]. On [redacted], the [redacted] informed the [redacted] office of the FBI that [redacted] was no longer assigned to the target. [redacted]

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(S) The [redacted] office records all [redacted] for a specified target (in this case, [redacted] during a given time period [redacted]. Once recorded, [redacted] cannot be deleted. The [redacted] office therefore recorded and retained a second disk including [redacted] other than those to or from [redacted]. The original disk was forwarded to the Department of Justice's Office of Intelligence Policy and Review for appropriate disposition. The FBI has taken steps to delete all recorded material and summaries concerning [redacted] that were obtained after [redacted] from its systems and databases.

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(U) Title 18, United States Code, Section 2511, prohibits the interception of wire communications except as authorized in chapter 119 of Title 18. However, Section 2511(e) permits "an officer, employee, or agent of the United States in the normal course of his official duty to conduct electronic surveillance, as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 [FISA], as authorized by that Act." In this case, a valid order existed but it was predicated on information concerning the identity [redacted] that was no longer accurate at the time of the surveillance. Thus, the interception of communications that occurred after the [redacted] was contrary to 18 USC 2511. The matter is therefore reportable to the Intelligence Oversight Board under the terms of Executive Order 12863. In addition, it has

been referred to the FBI's Office of Professional Responsibility for any action that is deemed appropriate.

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

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Hofmann-IOB-308

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

BY COURIER

November 10, 2004

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 2004-90." (U)

The enclosure sets forth details of investigative activity which the FBI has determined may have been 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)

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

1 - Ms. Thomas
1 - Mr. IOB Library
1 - Mr. 278-HQ-C1229736-VIO -6104
10/28/04

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

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Hofmann-IOB-309

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~~-2-~~

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,

Julie F. Thomas
Deputy General Counsel

Enclosure

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

- 1 - Mr. James Baker
Counsel, Office of Intelligence Policy and Review
U.S. Department of Justice
Room 6150

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

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

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Hofmann-IOB-310

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INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
IOB 2004-90 (U)

(U) ~~(S)~~ The FBI received authorization from [redacted]
(S) [redacted] or [redacted]
[redacted]

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(U) ~~(S)~~ A secondary order was served on [redacted] hereinafter [redacted]
[redacted] the [redacted] used [redacted]
used its own equipment to comply with this order. The FBI received access to the data from
[redacted] via [redacted] The FBI had no other
(S) access to [redacted] and could retrieve only the data that was [redacted]
[redacted] by [redacted] engineers in response to the secondary order.

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(U) ~~(S)~~ The data consisted of [redacted]
[redacted]

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(U) ~~(S)~~ From [redacted] the FBI received data from
[redacted] collection that appeared to pertain to an account other than the one designated in the
secondary order. Analysis of the data by the FBI revealed [redacted] that
was inconsistent with data previously obtained from [redacted] for this account. After consulting
at length with [redacted] by telephone and e-mail, the FBI determined that [redacted] had
erroneously provided information from an unrelated account.

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(S) ~~(S)~~ The FBI did not open any investigations or index any names on the basis of the
[redacted] data received after [redacted] The FBI has permanently removed the erroneously
collected data from its computer systems and its electronic surveillance storage facility. A copy
of the material in question has been sent to the Office of Intelligence Policy and Review for
appropriate disposition. The FBI has not retained any other copies of this material.

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(U) ~~(S)~~ The interception of electronic communications in this case resulted from an error on
the part of the [redacted] nevertheless, the interception was unauthorized and thus
contrary to Title 18, United States Code, Section 2511. The matter is therefore reportable to the
Intelligence Oversight Board under the terms of Executive Order 12863. In addition, it has been
referred to the FBI's Office of Professional Responsibility for any action deemed appropriate.

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

Hofmann-IOB-311

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

October 28, 2004

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

Mr. James A. Baker
Counsel for Intelligence Policy
Office of Intelligence Policy and Review
U.S. Department of Justice, Room 6150
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

~~(S)~~ RE: ~~(S)~~ Electronic surveillance [redacted]
[redacted]
Intelligence Oversight Board Matter 2004-90

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Dear Mr. Baker:

(U) ~~(S)~~ Enclosed for notification to [redacted] if
[redacted] appropriate, are five envelopes containing electronic media on
which are recorded information erroneously provided to the FBI in
connection with the above referenced surveillance. The
circumstances under which this information came into the
possession of the FBI are described below.

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~~(S)~~ The FBI received authorization from [redacted]
[redacted] on [redacted] to
conduct [redacted] of [redacted]
(S) [redacted] A
secondary order was served on [redacted]
(hereinafter [redacted])
(S) [redacted] used [redacted]

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- 1 - Ms. Thomas [redacted] IOB Library
 - 1 - Mr. [redacted] 1 - 278-HQ-C1229736-VIO - tell
 - 1 - Mr. [redacted]
- 11/25/04*

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

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(S)

~~(S)~~ The data sought in the secondary order consisted of a

[REDACTED]

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[REDACTED] Thus, the FBI's analysis focused on [REDACTED]

[REDACTED] rather than on its content.

(U)

~~(S)~~ [REDACTED] used its own equipment to comply with this order. The FBI received access to the data from [REDACTED] via an [REDACTED]. The FBI had no other access to [REDACTED] and could retrieve only the data that was placed [REDACTED] by [REDACTED] engineers in response to the secondary order.

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(S)

~~(S)~~ From [REDACTED] the FBI received data from [REDACTED] collection that appeared to pertain to an account other than the one designated in the secondary order. Analysis of the data by the FBI revealed [REDACTED] that was inconsistent with data previously obtained from [REDACTED] for this account. After consulting at length with [REDACTED] by telephone and e-mail, the FBI determined that [REDACTED] had erroneously provided information from an unrelated account.

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(U)

~~(S)~~ The FBI did not open any investigations or index any names on the basis of the [REDACTED] data received after [REDACTED]. The FBI has permanently removed the erroneously collected data from its computer systems and its [REDACTED] storage facility. The only copy of this information is on the electronic media that are enclosed herewith. The matter has been

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~~Derived from: G-3~~

~~Declassify on: X1~~

~~SECRET~~

reported to the Intelligence Oversight Board and to the FBI's Office of Professional Responsibility for any action deemed appropriate.

Sincerely,

Julie F. Thomas
Deputy General Counsel

Enclosure:

Five sealed envelopes

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~~Derived from: G-3~~

~~Declassify on: X1~~

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

December 20, 2004

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] Division, IOB Matter 2004-75." (U)

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

Enclosure

- 1 - Mr. Szady
- 1 - Mr. Curran
- 1 - UC [redacted]
- 1 - 278-HQ-C1229736-VIO-629

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~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

- Dep. Dir. _____
- Chief of Staff _____
- Off. of Gen. Counsel _____
- Asst. Dir.:
- Admin. Serv. _____
- 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-315

~~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,

John F. Curran
Deputy General Counsel

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

- 1 - Mr. James A. Baker
Counsel, Office of Intelligence Policy and Review
U.S. Department of Justice
Room 6150

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

- 2 -

~~SECRET~~

Hofmann-IOB-316

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

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

(S)

[redacted] DIVISION
IOB MATTER 2004-75 (U)

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~~(S)~~ The [redacted] Division [redacted] of
the Federal Bureau of Investigation ("FBI") has reported
electronic surveillance errors in conjunction with its [redacted]

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In this regard, [redacted] reported that, on [redacted]

[redacted] authorized [redacted]

(S)

[redacted] That authorization
expired on [redacted] The Office of Intelligence
Policy and Review (OIPR) informed FBI that, [redacted]
authorized [redacted] until [redacted]
[redacted] were to cease when the subject left
the country. [redacted] Order, however, only stated that
authorization expired on [redacted] and did not indicate that
intercepts were to cease when [redacted]

(U)

~~(S)~~ The FBI knew that the subject of the [redacted]
[redacted] On [redacted]
[redacted] notified FBI technical collection personnel that
collection was to cease at [redacted]
[redacted] was informed that the expiration date had been changed
in the system, and that [redacted] would stop at the
appropriate time. Indeed, collection [redacted] did stop
at [redacted] Believing that all collection,
[redacted] would stop at
the new expiration date and time, [redacted] did not inform
[redacted] of the new expiration date and time.

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(U)

~~(S)~~ On [redacted] [redacted] contacted the legal
department at [redacted] of [redacted] e-mail
accounts being intercepted, and informed [redacted] that
interceptions must cease at [redacted]

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(U)

~~(S)~~ On [redacted] [redacted] received a floppy
disk from [redacted] containing [redacted]
[redacted] for [redacted] from [redacted]

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Hofmann-IOB-317

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[redacted] subsequently learned that [redacted] for the [redacted] had been notified of the earlier [redacted] shut down date and time, and therefore, [redacted] continued to [redacted] pursuant to the original orders. [redacted] received compact discs containing the information obtained after [redacted] and passed it to FBI OGC without accessing or using the information in any way.

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(U) ~~(S)~~ On [redacted] learned that [redacted] continued to provide FBI with [redacted] for [redacted] until the [redacted] date listed in the [redacted] Order. [redacted] did not [redacted] for [redacted] the accounts, though.

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

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

~~SECRET~~

Hofmann-IOB-318

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

January 7, 2005

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] IOB Matter 2004-57." (U)

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

Enclosure

- 1 - Mr. Szady
- 1 - Ms. Thomas
- 1 - SSA [redacted]
- 1 - OPR
- ① - 278-HQ-C1229736-VIO-1645

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

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- Dep. Dir. _____
- Chief of Staff _____
- Off. of Gen. Counsel _____
- Asst. Dir.:
- Adm. 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-319

MAIL ROOM C

FBI/DOJ

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

~~SECRET~~

(S)

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED] DIVISION
IOB MATTER 2004-57 (U)

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(S)

The [REDACTED] Division [REDACTED] of the Federal Bureau of
Investigation ("FBI") has reported that, owing to an error in

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(S)

conducted [REDACTED] of [REDACTED]
[REDACTED] no longer belonging to the target. In

this regard, the [REDACTED]
renewed authorization for [REDACTED] of [REDACTED]
[REDACTED] a Non-United States person. On or about [REDACTED] a
translator discovered that the electronic communications of [REDACTED]
contained communications of an unidentified third party. All
calls were fully minimized and no logs were created. Coverage of
the third party communications were immediately discontinued.

~~(S)~~

Although this error may not be directly attributable
to conduct on the part of FBI personnel, the unauthorized
surveillance is nevertheless a reportable matter under Section
2.2 of Executive Order 12863. (U)

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

~~SECRET~~

January 4, 2005

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 2004-96." (U)

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

Enclosure

- 1 - Mr. Szady
- 1 - SAC [redacted]
- 1 - Ms. Thomas
- 1 - Mr. [redacted]
- 1 - OPR
- ① - 278-HQ-C1229736-VIO-653

~~UNCLASSIFIED WHEN
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CLASSIFIED ENCLOSURE~~

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- Dep. Dir. _____
- Chief of Staff _____
- Off. of Gen. _____
- Counsel _____
- Asst. Dir.:
- Admin. Serv. _____
- 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~~

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Hofmann-IOB-321

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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)

Very truly yours,

Julie F. Thomas
Deputy General Counsel

- 1 - The Honorable John D. Ashcroft
Attorney General
U.S. Department of Justice
Room 5111
- 2 - Mr. James A. Baker
Counsel, Office of Intelligence Policy and Review
U.S. Department of Justice
Room 6150

APPROVED: Adm. Serv. _____ Gen. Counsel. *JFT*
 CIS _____ "
 Crim. Inv. _____ "
Director _____ C. Inven. _____ "
Deputy Director _____ Finance _____ Lit. Coun. _____

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

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Hofmann-IOB-322

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

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INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

[redacted] DIVISION
IOB MATTER 2004-96 (U)

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(S) The [redacted] Division of the Federal Bureau of Investigation has reported a period of unauthorized collection of [redacted] for whom [redacted] had only authorized [redacted]

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(S) On [redacted] the [redacted] authorized [redacted] of [redacted] a U.S. person believed [redacted]. The [redacted] later authorized [redacted] a U.S. person believed to [redacted] or [redacted]

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(S) [redacted] language specialist working on [redacted] case heard, on [redacted] and again on [redacted] discussions in a language that was determined to be [redacted] the contents of which were determined not to relate to [redacted] language specialist determined on [redacted] that a total of [redacted] calls in [redacted] were erroneously received on [redacted] between [redacted] and [redacted]

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(S) On [redacted] [redacted] determined that the [redacted] calls on [redacted] [redacted] had been captured because of an error by [redacted] Rather than restricting itself to [redacted] on [redacted] mistakenly [redacted] of [redacted] and sent it to [redacted] This unauthorized [redacted] take of [redacted] was immediately stopped on [redacted] once it became clear what had occurred.

(S)

(S) Altogether, three FBI employees heard portions [redacted] the [redacted] language specialist, the Special Agent assigned to [redacted] case, and another language specialist consulted to assist in determining the source of the [redacted] language calls on [redacted] delivery number. No documents or recordings of [redacted] were made at [redacted] As a consequence of this inadvertent error by [redacted] the FBI obtained information that it was not authorized to obtain under the Foreign Intelligence Surveillance Act or Executive Order 12333. Although the information has not been used or entered into any case file, because the information was not authorized to be collected, this matter is being reported to the Intelligence Oversight Board.

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APPROVED:

Adm. Serv. _____	Gen. Counsel _____	National Sec. _____
CIS _____	Int. Sec. _____	OEOA _____
Crim. Inv. _____	Ident. _____	OPCA _____
Director _____	Int. Sec. _____	OPR _____
Deputy Director _____	Finance _____	Laboratory _____
		Training _____

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

~~SECRET~~

February 16, 2005

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] Division, 2005-04."

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

Enclosure

- 1 - Ms. Thomas
- 1 - Ms. [redacted]
- 1 - Ms. [redacted]
- ① - 278-HQ-C1229736-VIO-673

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~~UNCLASSIFIED WHEN
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CLASSIFIED ENCLOSURE~~

- Dep. Dir. _____
- Chief of Staff _____
- Off. of Gen. Counsel _____
- Asst. Dir. _____
- Admin. Serv. _____
- Crit. Terrorism _____
- 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 _____

JET/gob 2/14/05

~~Derived from : G-3
Declassify on: February 17, 2030~~

~~SECRET~~ Hofmann-IOB-324

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. (U)

Sincerely,

Julie F. Thomas
Deputy General Counsel

- 1 - The Honorable Alberto R. Gonzales
Attorney General
U.S. Department of Justice
Room 5111
- 1 - Mr. James Baker
Counsel, Office of Intelligence Policy and Review
U.S. Department of Justice
Room 6150

- 2 -

~~SECRET~~

Hofmann-IOB-325

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED] DIVISION
2005-04 (U)

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Investigation of this IOB matter has determined that,
on [REDACTED] the [REDACTED]

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[REDACTED]

In [REDACTED] when [REDACTED] began reviewing the captured information, [REDACTED] discovered that it had received [REDACTED] on the covered account, which is considered content. [REDACTED] immediately contacted FBI Headquarters and the [REDACTED] and requested that [REDACTED] be advised of the overshare of information not covered by the [REDACTED]. The FBI also advised the Department of Justice Office of Intelligence Policy and Review (OIPR) of the overshare. On or around, [REDACTED] notified [REDACTED] of its error. As of [REDACTED], no further content information was received from the coverage of the email account. The data from the overshare was sequestered as of [REDACTED] and removed from all FBI systems. The sequestered data was provided to OIPR on or around [REDACTED] so that it could be forwarded to the [REDACTED] for destruction. This matter has been referred to the FBI's Inspection Division for action deemed appropriate (S).

~~Derived from : G-3
Declassify on: February 17, 2030~~

~~SECRET~~

Hofmann-IOB-326

6 >

February 14, 2005

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 2003-05." (U)

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

Enclosure

- 1 - Mr. [redacted]
- 1 - SAC [redacted]
- 1 - Ms. Thomas
- 1 - Mr. [redacted]
- 1 - Ms. [redacted]
- ① - 278-HQ-C1229736-VIO - 675

~~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 _____

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

~~SECRET~~
Hofmann-IOB-327

~~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)

Very truly yours,

Julie F. Thomas
Deputy General Counsel

- 1 - The Honorable Alberto R. Gonzales
Attorney General
U.S. Department of Justice
Room 5111
- 2 - Mr. James A. Baker
Counsel, Office of Intelligence Policy and Review
U.S. Department of Justice
Room 6150

2/15/05

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

~~Derived from: G-3~~

~~Declassify on: X1~~

~~SECRET 2~~

Hofmann-IOB-328

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED] DIVISION
IOB MATTER 2003-05 (U)

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(U)

~~(S)~~ The [REDACTED] Division [REDACTED] of the Federal Bureau of Investigation has reported a possible violation in conjunction with [REDACTED]

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~~(S)~~ On [REDACTED] the [REDACTED] Division opened a [REDACTED] [REDACTED] a presumed "United States person" as that term is used in the March 8, 1999 Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations (1999 AG Guidelines). The investigative purpose [REDACTED]

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(S)

[REDACTED] The initial 120-day [REDACTED] was set to expire on [REDACTED] It was assigned to Special Agent (SA) [REDACTED] who is employed by the [REDACTED] and is assigned to [REDACTED] Supervisory Special Agent (SSA) [REDACTED] was assigned to [REDACTED] on [REDACTED] She has supervisory responsibility for [REDACTED]

(S)

(S)

(S)

~~(S)~~ On [REDACTED] SA [REDACTED] sent an electronic communication (EC) to SSA [REDACTED] to extend the [REDACTED] in the [REDACTED] case. SSA [REDACTED] initialed the EC, and routed it to the Acting Special Agent in Charge for approval.

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(U)

~~(S)~~ On [REDACTED] (after the expiration of the initial [REDACTED] [REDACTED] This activity occurred after the initial 120-day [REDACTED] expired.

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(U)

~~(S)~~ On [REDACTED] File Supervisor [REDACTED] located the case file and the [REDACTED] EC on a shelf at the squad's Information Management Assistant station. She immediately forwarded the file and EC to SSA [REDACTED] Thereafter, the [REDACTED] was officially extended on [REDACTED]

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(U)

~~(S)~~ As a consequence of this overrun, [REDACTED] investigative activity that occurred after [REDACTED] was not authorized under the 1999 AG Guidelines. In furtherance of section 2.4 of EO 12863, this matter is being reported to the Intelligence Oversight Board.

b2
b7E

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. _____

2/15/05
JEO

February 25, 2005

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:

This letter forwards for your information a self-explanatory enclosure, entitled "Intelligence Oversight Board (IOB) Matter, [redacted] Division, 2004-55."

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. 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 - Mr. [redacted]
- 1 - Mr. Hulon
- 1 - Ms. [redacted]
- 1 - Mr. [redacted]
- 1 - Inspection Division

b6
b7C

- Dep. Dir. _____
- Chief of Staff _____
- Off. of Gen. Counsel _____
- Asst. Dir.: (1) _____
- Admin. Ser. _____
- Crim. Inv. _____
- CIIS _____
- Finance _____
- Info. Res. _____
- Lab. _____
- National Sec. _____
- OPR _____
- Off. of Public & Cong. Affs. _____
- Training _____
- Off. of EEOA _____
- Director's Office _____

278-HQ-C1229736-VFO-687

~~UNCLASSIFIED WHEN
DETACHED FROM~~

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

~~SECRET~~ Hofmann-IOB-330

~~SECRET~~

General Brent Scowcroft (USAF Retired)

CLASSIFIED ENCLOSURE

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,

Julie F. Thomas
Deputy General Counsel

- 1 - The Honorable Alberto Gonzalez
Attorney General
U.S. Department of Justice
Room 5111
- 1 - Ms. Charlene B. Thornton
Inspection Division
Federal Bureau of Investigation
JEH Building Room 7825
- 1- Mr. James Baker
Counsel for Intelligence Policy, OIPR
U.S. Department of Justice

APPROVED:

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

JFT

- 2 -

~~SECRET~~

Hofmann-IOB-331

DATE: 06-30-2010
CLASSIFIED BY 65179/DMH/PLJ/sdh
REASON: 1.4 (c)
DECLASSIFY ON: 06-30-2035

ALL INFORMATION CONTAINED
IS UNCLASSIFIED EXCEPT
SHOWN OTHERWISE

~~SECRET~~

(S)

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[redacted] DIVISION
FEDERAL BUREAU OF INVESTIGATION HEADQUARTERS (FBIHQ) (U)
2004-55

b2
b7E

Investigation of this IOB matter has revealed that the
[redacted] Division initiated a [redacted]

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b7E

[redacted]
[redacted] subsequently authorized
[redacted] of [redacted]
was initiated on [redacted] pm E.S.T. The target
[redacted] is serviced by [redacted]
[redacted] confirmed that the target [redacted] was
assigned to [redacted]
[redacted] (S)

(S)

Due to an administrative and technical error on the
(U) part of FBI [redacted] and [redacted]
[redacted] was temporarily, erroneously reactivated after the
expiration of the [redacted] authorization. [redacted] was immediately
notified of the error and preliminary steps were taken by FBI
personnel to sequester the unauthorized data. (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. (U)

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

~~SECRET~~

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

March 1, 2005

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] Division, IOB Matter 2004-60." (U)

b2
b7E

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

Enclosure

- 1 - AD Szady
- 1 - DGC Thomas
- 1 - UC [redacted]
- ① - 278-HQ-C1229736-VIO-690

b6
b7C

~~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 _____

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

~~SECRET~~
Hofmann-IOB-333

~~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,

Julie F. Thomas
Deputy General Counsel

- 1 - The Honorable Alberto R. Gonzalez
Attorney General
U.S. Department of Justice
Room 5111

- 1 - Mr. James A. Baker
Counsel, Office of Intelligence Policy and Review
U.S. Department of Justice
Room 6150

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

- 2 -

~~SECRET~~

Hofmann-IOB-334

DATE: 06-30-2010
CLASSIFIED BY 65179/DNH/PLJ/sd
REASON: 1.4 (c)
DECLASSIFY ON: 06-30-2035

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

(S)

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[redacted] CITY DIVISION
IOB MATTER 2004-60 (U)

b2
b7E

(S) The [redacted] Division ([redacted]) of the Federal Bureau of Investigation ("FBI") has reported that it issued a National Security Letter (NSL) for records [redacted]. The FBI served that NSL [redacted] and received the results of the NSL, [redacted].

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Due to a typographical error, the NSL was issued for [redacted] that is neither relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, nor that is related to the subject of a national security investigation.

(U)

(S) Issuance of this NSL was not authorized by law, since 18 U.S.C. 2709 only authorizes the FBI to seek relevant records from a wire or electronic communication service provider when those records "are relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities." In addition issuance of this NSL was not authorized by the Attorney General's Guidelines since Section [redacted] of the Attorney General's Guidelines authorizes use of NSLs only in conformity with 18 U.S.C. 2709, and when the telephone records are sought as part of [redacted].

b2
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(U) This matter has been reported to the FBI's Inspection Division for appropriate action.

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

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

~~SECRET~~

Hofmann-IOB-335

March 1, 2005

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:

This letter forwards for your information a self-explanatory enclosure, entitled "Intelligence Oversight Board (IOB) Matter, [redacted] Division, 2004-08."

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

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

①- 278- HQ - C1229736 - VFD - 692

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

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

~~SECRET~~

Hofmann-IOB-336

b6
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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. (U)

Sincerely,

Julie F. Thomas
Deputy General Counsel

- 1 - The Honorable Alberto Gonzalez
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 for Intelligence Policy, OIPR
U.S. Department of Justice

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

- 2 -

~~SECRET~~

Hofmann-IOB-337

DATE: 06-30-2010
CLASSIFIED BY 65179/DMH/PLJ/sdb
REASON: 1.4 (c)
DECLASSIFY ON: 06-30-2035

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

(S)

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[redacted] DIVISION
FEDERAL BUREAU OF INVESTIGATION HEADQUARTERS (FBIHQ) (U)
2004-08

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b7D

Investigation of this IOB matter has revealed that on [redacted] the [redacted] Division initiated a [redacted] [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] 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 one year.

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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 _____
 C.I.S. _____ Laboratory _____ Off. of EEO _____
 Finance _____ National Sec. _____ Affairs _____
Director _____ Gen. Counsel _____ JPR _____ Off. of Public &
Deputy Director _____ Info. Res. _____ Personnel _____ Cong. Affs. _____

Hofmann-IOB-338

March 1, 2005
BY COURIER

DECLASSIFIED BY 65179/DMH/PLJ/sdb
ON 06-30-2010

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:

This letter forwards for your information a self-explanatory enclosure, entitled "Intelligence Oversight Board (IOB) Matter 2004-21."

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. This matter has also been referred to our Internal Investigations Section, Inspection Division, for a determination of whether any administrative action is warranted.
(U)

Enclosure

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1 - Ms.
① - 278-HQ-C1229736-VIO - 694

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

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

~~SECRET~~ Hofmann-IOB-339

- Dep. Dir. _____
- Chief of Staff _____
- Off. of Gen. _____
- Counsel _____
- Asst. Dir.:
- Adm. 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,

Julie F. Thomas
Deputy General Counsel

- 1 - The Honorable Alberto Gonzales
Attorney General
U.S. Department of Justice
Room 5111

- 1 - Mr. James Baker
Counsel for Intelligence Policy, OIPR
U.S. Department of Justice

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

~~SECRET~~

DATE: 06-30-2010
CLASSIFIED BY 65179/DMH/PLJ/sdb
REASON: 1.4 (c)
DECLASSIFY ON: 06-30-2035

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

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b7E

[REDACTED] DIVISION
FEDERAL BUREAU OF INVESTIGATION HEADQUARTERS (FBIHQ)
IOB MATTER 2004-21 (U)

~~(S)~~ By electronic communication (EC) dated February 11,
2004, the [REDACTED] Division reported a possible IOB
error in conjunction with [REDACTED]

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[REDACTED] In this regard, the [REDACTED] Division
reported that [REDACTED]

(S)

[REDACTED]

(S)

~~(S)~~ [REDACTED]

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(S)

[REDACTED]

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b7E

[REDACTED] Thus, in
accordance with the reporting requirements of Section 2.4 of E.O.
12863, this mistake must be reported to the IOB.

~~(S)~~ Derived From : G-3

Declassify On: ~~Y25-1~~
APPROVED: [Signature]
Director _____ Training _____
Deputy Director _____ Info. Sys. _____ Laboratory _____ Off. of EEO _____
Gen. Counsel _____ National Sec. _____ Affairs _____
OPR _____ Off. of Public & _____
Personnel _____ Cong. Affs. _____

~~SECRET~~

Hofmann-IOB-341

DECLASSIFIED BY 65179/DMH/PLJ/sdb
ON 06-30-2010

February 14, 2005

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 2004-18." (U)

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

Enclosure

- 1 - Mr. Szady
 - 1 - SAC [redacted]
 - 1 - Ms. Thomas
 - 1 - Mr. [redacted]
 - 1 - Ms. [redacted]
- ① 278-HQ-CI229736-VIO-696

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

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- Dep. Dir. _____
- Chief of Staff _____
- Off. of Gen. Counsel _____
- Asst. Dir.:
- Admin. Serv. _____
- Crim. Inv. _____
- CISS _____
- 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-342

MAIL ROOM

FBI/DOJ

~~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)

Very truly yours,

Julie F. Thomas
Deputy General Counsel

- 1 - The Honorable Alberto R. Gonzales
Attorney General
U.S. Department of Justice
Room 5111
- 2 - Mr. James A. Baker
Counsel, Office of Intelligence Policy and Review
U.S. Department of Justice
Room 6150

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

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

~~SECRET 2~~

Hofmann-IOB-343

~~SECRET~~

(U) INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[redacted] DIVISION
IOB MATTER 2004-18 (U)

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(S) By electronic communication (EC) dated January 23, 2004, the [redacted] Field Office reported a possible IOB error in conjunction with a prior [redacted]. The following facts are derived from the January 23, 2004 EC.

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(S) As reported by the [redacted] Division [redacted] or [redacted] initiated a [redacted] a "United States person" as that term is used in the March 8, 1999 Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations (1999 AG Guidelines). [redacted] initiated the [redacted]. The initial 120-day [redacted] was set to expire on [redacted].

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(S) In [redacted] the case agent, who had been reassigned to the [redacted] investigation, became aware of the fact that the [redacted] had expired. However, no investigative activity occurred after the expiration on [redacted]. Due to circumstances surrounding the [redacted] investigation and the resulting manpower issues, this case was officially closed on [redacted].

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(U) (S) According to an email dated [redacted] from Special Agent (SA) [redacted], once this error was discovered in [redacted] SA [redacted] contacted Supervisory Special Agent (SSA) [redacted] of the former [redacted] and informed her of the situation. [redacted] told SA [redacted] that it was not an IOB violation as long as the [redacted] thus [redacted] did not report it at that time. However, during [redacted] last inspection in January 2004 the recommendation was made to notify FBI Headquarters.

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(U) (S) As a consequence of this overrun, [redacted] failed to comply with the administrative requirements of the 1999 AG Guidelines by failing to properly close the [redacted] until 52 days after the initial expiration. In furtherance of section 2.4 of EO 12863, this matter is being reported to the Intelligence Oversight Board.

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b7E

APPROVED:

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

~~SECRET~~

Hofmann-IOB-344

~~SECRET~~

March 3, 2005

BY COURIER

DECLASSIFIED BY 65179/DMH/PLJ/sdb
ON 06-30-2010

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 81." (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~~

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

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

- Ms. Thomas
- Ms. Kelley
- Mr. Hulon

- 1 - OPR (IOB 2003-81)
- ② 278-HQ-C1229736-VIO-700
- 1 - Mr.

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~~SECRET~~

Hofmann-IOB-345

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,

Julie F. Thomas
Deputy General Counsel

- 1 - The Honorable Alberto Gonzales
Attorney General
U.S. Department of Justice
Room 5111

- 1 - Mr. James Baker
Counsel, Office of Intelligence Policy and Review
U.S. Department of Justice
Room 6150

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. _____

JFT/100
2/9/05

- 2 -

~~SECRET~~

Hofmann-IOB-346

DATE: 06-30-2010
CLASSIFIED BY 65179/DMH/PLJ/sdb
REASON: 1.4 (c)
DECLASSIFY ON: 06-30-2035

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

(S) INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
IOB 2003-81 (U)

Investigation of this IOB matter has determined that, [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), 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.¹ 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 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~~
APPROVED: Crim. Inv. _____ Inspection _____ Training _____
 CJS _____ Laboratory _____ Off. of EEO _____
 Finance _____ National Sec. _____ Affairs _____
Director _____ Gen. Counsel _____ OFR _____ Off. of Public & _____
Deputy Director _____ Info. Res. _____ ~~SECRET~~ _____ Cong. Affs. _____

9/9/05

¹During all times relevant to this inquiry, the FCIG were in effect. The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NCIG) did not take effect until October 31, 2003.
Hofmann-IOB-347

February 11, 2005

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 2003-78." (U)

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

Enclosure

- 1 - Mr. Szady
- 1 - SAC [redacted]
- 1 - Ms. Thomas
- 1 - Mr. [redacted]
- 1 - OPR

① - 278-HQ-C1229736-VIO-702

~~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 _____

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

~~SECRET~~

Hofmann-IOB-348

~~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)

Very truly yours,

Julie F. Thomas
Deputy General Counsel

- 1 - The Honorable Alberto R. Gonzalez
Attorney General
U.S. Department of Justice
Room 5111
- 2 - Mr. James A. Baker
Counsel, Office of Intelligence Policy and Review
U.S. Department of Justice
Room 6150

APPROVED:

Adm. Serv. _____ Gen. Counsel _____
CJIS _____ Info. Div. _____
Crim. Inv. _____ Ident. Div. _____
Director _____ Computer _____ Int. Aff. _____
Deputy Director _____ Finance _____ Laboratory _____

JFT
2/11/05

~~Derived from: G-3~~

~~Declassify on: XI~~

~~SECRET 2~~

Hofmann-IOB-349

DATE: 06-30-2010
CLASSIFIED BY 65179/DMH/PLJ/sdb
REASON: 1.4 (c)
DECLASSIFY ON: D6-30-2035

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

[redacted] DIVISION
IOB MATTER 2003-78 (U)

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(U)

~~(S)~~ The [redacted] Division [redacted] of the Federal Bureau of Investigation has reported the unauthorized interception of [redacted]

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(S)

~~(S)~~ On [redacted] obtained [redacted] authorization to [redacted]

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(S) Surveillance of the [redacted] was denied by [redacted] and thus was never initiated or carried out.

~~(S)~~ Interception of the [redacted] did not begin until [redacted] By [redacted] that time [redacted] and passed [redacted] to [redacted] [redacted] Thus, [redacted] became the subject of surveillance beginning on [redacted]

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~~(S)~~ The [redacted] case agent was under the mistaken belief at the time that [redacted]

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(S)

~~(S)~~ The unauthorized character of intercepting [redacted] was not realized until a series of communications between [redacted] and FBI HQ in early [redacted]

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(S) Interception of [redacted] was then terminated on [redacted]

(S) Disks containing the [redacted] in this matter were forwarded in [redacted] to FBI HQ, and then to the Office of Intelligence Policy and Review, U.S. Department of Justice, for sequestration by the [redacted] Because this surveillance of [redacted] was unauthorized by [redacted]

(S) [redacted] this matter is being reported to the Intelligence Oversight Board.

APPROVED:

Adm. Serv.	Gen. Counsel	Ident.
C.I.S.	Info. Syst.	Intell.
Crim. Inv.	Lab.	Legal Coun.
Director	Control	Plan. & Insp.
Deputy Director	Finance	Laboratory
		Training

Derived from: G-3
Declassify on: X1

~~SECRET~~

Hofmann-IOB-350

Handwritten: 2/11/05

March 3, 2005

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, [redacted] Division, IOB Matter 2003-27." (U)

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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. 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 - Ms. Thomas
- 1 - Mr. [redacted]
- 1 - Ms. [redacted]
- 1 - IOB Library

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 _____

① 278-HQ-C1229736-VIO-704

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

~~SECRET~~
Hofmann-IOB-351

~~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,

Julie F. Thomas
Deputy General Counsel

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

*JFK/NSLB/CILU
LK 10 Feb 05*

- 2 -

~~SECRET~~

Hofmann-IOB-352

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 06-30-2010
CLASSIFIED BY 65179/DMH/PLJ/sdb
REASON: 1.4 (c)
DECLASSIFY ON: 06-30-2035

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[redacted] DIVISION
FEDERAL BUREAU OF INVESTIGATION HEADQUARTERS (FBIHQ)
2003-27 (U)

b2
b7E

(S) ~~(S)~~ Investigation of this IOB matter has determined that, on [redacted] the [redacted] Division of the Federal Bureau of Investigation obtained authority from [redacted] to initiate [redacted] on [redacted] who was a "United States person" as that term is used in the then existing Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations (FCIG)¹ and the Foreign Intelligence Surveillance Act of 1978 (FISA).² Thus, the utilization of this surveillance required that [redacted] Division comply with the requirements of [redacted]. The FBI learned that around [redacted]. Although the [redacted] Division took steps to terminate the monitoring, due to administrative errors, [redacted] was not discontinued until the expiration of the [redacted] on [redacted]. Due to the administrative errors, part of the surveillance went beyond [redacted] Order authority, which was contrary to the Executive order 12333 and [redacted] thus requiring an IOB reporting.

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

Handwritten: 000 01/10/05
NSLB/CILU
10 Feb 05

(U)

APPROVED: ~~SECRET~~
Director _____ Inspection _____ Training _____
CJIS _____ Laboratory _____ Off. of EEO _____
Finance _____ National Sec. _____ Affairs _____
Gen. Counsel _____ JPR _____ Off. of Public & _____
Personnel _____ Cong. Affs. _____

¹ (S) A "United States person" is defined in Section 101(i) of the FCIG as "an individual who is . . . [a] United States citizen . . . [b] a permanent resident alien" On 10/31/03, the FCIG were superseded by the Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG).

² (U) The FISA is codified at 50 U.S.C. 1801 et seq. A "United States person" is defined in Section 101(i) of the FISA as: "a citizen of the United States, [or] an alien lawfully admitted for permanent residence"

~~SECRET~~

March 3, 2005
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, Counterintelligence Division, IOB Matter 2003-29."
(U)

This enclosure sets forth details of investigative activity which the FBI has determined was conducted contrary to the then existing 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 - Ms. Thomas
 - 1 - Mr.
 - 1 - Ms.
 - 1 - IOB Library
- ① 278-HQ-C1229736-VIO-206

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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 _____

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

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

~~SECRET~~

Hofmann-IOB-354

~~SECRET~~

General Brent Scowcroft (USAF Retired)

CLASSIFIED ENCLOSURE

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,

Julie F. Thomas
Deputy General Counsel

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

- 2 -

~~SECRET~~

Hofmann-IOB-355

DATE: 06-30-2010
CLASSIFIED BY 65179DMH/PLJ/CC
REASON: 1.4 (c)
DECLASSIFY ON: 06-30-2035

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED] DIVISION
2003-29 (U)

b2
b7E

(S) Investigation of this IOB matter has determined that on [REDACTED] the [REDACTED] Office of the Federal Bureau of Investigation ("FBI") requested initiation of [REDACTED] on [REDACTED] who was a "United States person" as that term was used in the then existing Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations (FCIG).¹ Thus, the initiation and continuation of the [REDACTED] required that the [REDACTED] Office and [REDACTED] comply with the requirements of Executive Order 12863 and the FCIG. The [REDACTED] Office submitted a letterhead memorandum (LHM) to [REDACTED] [REDACTED] requesting the [REDACTED]. However, [REDACTED] did not forward this LHM to the National Security Law Unit nor to the Office of Intelligence Policy and Review. As a consequence of the error, for over a year, OIPR was precluded from exercising oversight and control of this ongoing investigation, which was contrary to the requirements of [REDACTED] of the then existing FCIG.

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

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

NSLB/CILV
LK 10Feb05
2/11/05

(U) 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" On 10/31/03, the FCIG were superseded by the Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG). However, because this potential error occurred while the FCIG were in effect, the potential error is analyzed within the context of the then existing FCIG.

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March 9, 2005

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 2003-83."
(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

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- 1 - Mr. Hulon
- 1 - OPR (IOB 2003-83)
- 1 - Mrs. [redacted]
- ① - 278-HQ-C1229736-VIO - 710

~~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: X25-1~~

~~SECRET~~ Hofmann-IOB-357

~~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,

Julie F. Thomas
Deputy General Counsel

- 1 - The Honorable Alberto Gonzales
Attorney General
U.S. Department of Justice
Room 5111

- 1 - Mr. James Baker
Counsel, Office of Intelligence Policy and Review
U.S. Department of Justice
Room 6150

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

- 2 -

~~SECRET~~ Hofmann-IOB-358

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[redacted] DIVISION
IOB MATTER 2003-83(U)

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(S) The Federal Bureau of Investigation ("FBI") has determined that in conducting [redacted] on [redacted] the FBI failed to comply with the annual reporting requirement prescribed in [redacted] of the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations (FCIG).¹ In this regard, on [redacted] the [redacted] Division [redacted] opened a [redacted] on the subject. Because the subject was (and remains) a "United States person" as that term is defined in Section 1801(i) of the Foreign Intelligence Surveillance Act (FISA), initiation of a [redacted] required that [redacted] comply with the reporting requirements of the FCIG. [redacted] submitted its initial 90-day letterhead memorandum (LHM) on [redacted] nearly four months beyond its original due date. The delayed reporting 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. The matter also has been reported to the FBI's Office of Professional Responsibility for action deemed appropriate. ~~(S)~~

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

9/19/05

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

(U) 1. ~~(S)~~ Although the FCIG were superseded on October 31, 2003 by the Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG), "[a]ctivities commenced under the FCIG [are to be] continued and completed under the FCIG, notwithstanding the adoption of the NSIG." See Memorandum from Attorney General John Ashcroft to Robert S. Mueller, III, dated October 31, 2003 ofmann-IOB-359

March 9, 2005

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] Division, IOB Matter 2004-74." (U)

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

Enclosure

- 1 - AD Szady
- 1 - DGC Thomas
- 1 - UC [redacted]
- ① 278-HQ-C1229736-VIO- 716

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~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

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2/14/05*

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

~~SECRET~~ Hofmann-IOB-360

~~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,

Julie F. Thomas
Deputy General Counsel

1 - The Honorable Alberto R. Gonzalez
Attorney General
U.S. Department of Justice
Room 5111

1 - Mr. James A. Baker
Counsel, Office of Intelligence Policy and Review
U.S. Department of Justice
Room 6150

- 2 -

~~SECRET~~ Hofmann-IOB-361

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED] DIVISION
IOB MATTER 2004-74 (U)

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b7E

(S) ~~(S)~~ The [REDACTED] Division [REDACTED] of the Federal Bureau of Investigation ("FBI") has reported that the now closed [REDACTED] of Permanent Resident Alien [REDACTED] was improperly extended for more than one year by [REDACTED]. On [REDACTED] opened a [REDACTED] on Permanent Resident Alien [REDACTED]. That [REDACTED] was properly extended by an ASAC in [REDACTED] until [REDACTED]. However, the ASAC in [REDACTED] approved several extensions for an additional year until the [REDACTED] was closed on [REDACTED]. The Attorney General Guidelines in effect at the time required that any [REDACTED] extensions after a year be approved by FBIHQ. In addition, one investigative act was completed during the second year of the [REDACTED]. Since the [REDACTED] had not been properly extended, this investigative act was in violation of the Attorney General Guidelines in effect at the time.

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

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

~~SECRET~~

Hofmann-IOB-362

DECLASSIFIED BY 65179DMH/PLJ/CC
ON 06-30-2010

March 11, 2005

BY COURIER

Mr. James Langdon
Chairman
Intelligence Oversight Board
New Executive Office Building
Washington, D.C.

Dear Mr. Langdon:

Enclosed for your information is a self-explanatory enclosure, entitled "Intelligence Oversight Board (IOB) Matter 2004-102, Federal Bureau of Investigation Headquarters (FBI HQ)."

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 - Mrs. Thomas

1 - Mr. [redacted]

1 - Mrs. [redacted]

① 278-HQ-C1229736-VIO-719

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~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

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

~~SECRET~~ Hofmann-IOB-363

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 _____

MAIL ROOM

FBI/DOJ

~~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.

Sincerely,

Julie F. Thomas
Deputy General Counsel

- 1 - The Honorable Alberto Gonzalez
Attorney General
U.S. Department of Justice
Room 5111
- 1 - Mr. James A. Baker
Counsel for Office of Intelligence Policy and Review
U.S. Department of Justice
Room 6000

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

~~SECRET~~

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INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED] DIVISION
IOB MATTER 2004-102 (U)

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~~(S)~~ The [REDACTED] Division [REDACTED] of the Federal Bureau of Investigation ("FBI") has reported that, as a consequence of an oversight, [REDACTED] conducted [REDACTED] surveillance beyond the period of time that the target,

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(S) [REDACTED] (a non-USper), [REDACTED] telephone. On [REDACTED]

(S) [REDACTED] Foreign Intelligence Surveillance Act of 1978 (FISA). [REDACTED] However, on [REDACTED] cancelled his service. Thus, the continued surveillance was not authorized under the [REDACTED] or Executive Order 12333.

(S) ~~(S)~~ When [REDACTED] discovered the problem it ascertained that [REDACTED] nor were any [REDACTED] after the date [REDACTED] cancelled his service. In fact, the language specialists advised that the [REDACTED] The complete electronic record related to the [REDACTED] will be transferred from [REDACTED] computerized recording equipment to a computer disk, and the disk will be forwarded to FBI Headquarters for submission to the Office of Intelligence Policy and Review, Department of Justice, and the [REDACTED] for eventual destruction. In accordance with the reporting requirements of Section 2.4 of Executive Order 12863, the error must be reported to the IOB.

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

~~SECRET~~

Hofmann-IOB-365

March 11, 2005
BY COURIER

DECLASSIFIED BY 65179DMH/PLJ/CC
ON 06-30-2010

Mr. James Langdon
Chairman
Intelligence Oversight Board
New Executive Office Building
Washington, D.C.

Dear Mr. Langdon:

Enclosed for your information is a self-explanatory letterhead memorandum (LHM), entitled "Intelligence Oversight Board (IOB) Matter, [redacted] Field Office, IOB Matter 2004-69." (U)

b2
b7E

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

Enclosure

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b7C

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

① - 278-HQ-C1229736-VIO -721

~~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.: _____
- Adm'n. Ser. _____
- Crim. Inv. _____
- CJIS _____
- Finance _____
- Info. Res. _____
- Lab. _____
- National Sec. _____
- OPR _____
- Off. of Public & Cong. Affs. _____
- Training _____
- Off. of EEOA _____
- Director's Office _____

~~SECRET~~

Hofmann-IOB-366

MAIL ROOM □

FBI/DOJ

~~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,

Julie F. Thomas
Deputy General Counsel

- 1 - The Honorable Alberto Gonzalez
Attorney General
U.S. Department of Justice
Room 5111
- 1 - Mr. James A. Baker
Counsel, Office of Intelligence Policy and Review
U.S. Department of Justice
Room 6150

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

~~SECRET~~

Hofmann-IOB-367

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[redacted] FIELD OFFICE
IOB MATTER 2004-69 (U)

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(S) Investigation of this IOB matter has determined that on [redacted] Field Office opened a [redacted] on [redacted] a United States Person. On [redacted] authorized an extension of the [redacted] to [redacted] did not authorize any further extensions. On 12/23/03, FBI Headquarters (FBIHQ) issued an Interim Policy to implement the Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (10/31/03) (NSIG). The Interim Policy contained issued guidance on how to determine the dates of investigation initiation and termination for reporting purposes. [redacted] appears to have interpreted the Interim Policy to extend the [redacted] six months after its last extension of [redacted] (S)

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Although [redacted] authorized no further written extensions of the [redacted] after its termination on [redacted] investigative actions were taken after that date. [redacted] reported that On [redacted] the [redacted] [redacted] On [redacted]

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(U) [redacted] No other investigative actions were taken. These actions violated the NSIG, [redacted] (S)

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

(U) ~~(S)~~

~~Derived From : G-3~~
~~Declassify On: X25-1~~

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

~~SECRET~~

Hofmann-IOB-368

March 11, 2005

BY COURIER

Mr. James Langdon
Chairman
Intelligence Oversight Board
New Executive Office Building
Washington, D.C.

Dear Mr. Langdon:

Enclosed for your information is a self-explanatory enclosure entitled "Intelligence Oversight Board (IOB) Matter, [redacted] Division, 2004-62."

b2
b7E

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

Enclosure

- 1 - Ms. Thomas
- 1 - Ms. [redacted]
- 1 - Ms. [redacted]

b6
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① 278-HQ-CI229736-VIO-123

~~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 : FBI SCG G-3
Declassify on: January 27, 2030~~

~~SECRET~~ Hofmann-IOB-369

MAIL ROOM □

FBI/DOJ

~~SECRET~~

Mr. James Langdon

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,

Julie F. Thomas
Deputy General Counsel

- 1 - The Honorable Alberto R. Gonzales
Attorney General
U.S. Department of Justice
Room 5111
- 1 - Mr. James Baker
Counsel, Office of Intelligence Policy and Review
U.S. Department of Justice
Room 6150

- 2 -

~~SECRET~~

Hofmann-IOB-370

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[redacted] DIVISION
2004-62 (U)

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b7E

Investigation of this IOB matter has determined that, on [redacted] Division [redacted] initiated a [redacted] of a US Person. During the course of the investigation, [redacted] properly obtained extensions for the investigation in accordance with the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations (FCIG), which were superceded during the course of the investigation by the Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG). Based on [redacted] of the NSIG, and the extensions requested by [redacted] investigation had to be completed by [redacted]. Unfortunately, in [redacted] the initiation date of the investigation was incorrectly recorded as [redacted] in communications on this matter. The incorrect initiation date was picked up in subsequent communications and eventually led to the erroneous calculation and recording of the expiration date of the [redacted] as [redacted]. Relying on the [redacted] expiration date, [redacted] conducted an interview of the subject on [redacted] eight days after the authorized expiration date of [redacted]. Conducting the interview on [redacted] was inconsistent with the requirements of the NSIG, and must be reported in accordance with the requirements of Section 2.4 of E.O. 12863. This matter has been referred to the FBI's Inspection Division for action deemed appropriate ~~(S)~~.

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(U)

~~Derived from : FBI SCG G-3
Declassify on: January 27, 2030~~

~~SECRET~~

APPROVED:

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

Hofmann-IOB-371

March 11, 2005

Mr. James Langdon
Chairman
Intelligence Oversight Board
New Executive Office Building
Washington, D.C.

Dear General Scowcroft:

Enclosed for your information is a self-explanatory memorandum, entitled "Intelligence Oversight Board (IOB) Matter, [redacted] Field Office; IOB Matter 2004-89. (U)

b2
b7E

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

Enclosure

- 1 - Ms. Thomas *TH*
- 1 - Mr. [redacted]
- 1 - 278-HQ-C1229736-VIO-725
- 1 - OPR (IOB 2004-89)

b6
b7C

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

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

~~SECRET~~

Hofmann-IOB-372

~~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,

Julie F. Thomas
Deputy General Counsel

- 1 - The Honorable Alberto R. Gonzales
Attorney General
U.S. Department of Justice
Room 5111
- 1 - Mr. James A. Baker
Counsel, Office of Intelligence Policy and Review
U.S. Department of Justice
Room 6150

~~SECRET~~

Hofmann-IOB-373

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED] FIELD OFFICE
IOB MATTER 2004-89 (U)

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b7E

(S) Investigation of this IOB matter has determined that on [REDACTED] on [REDACTED] Division [REDACTED] initiated a [REDACTED] [REDACTED] who are each a United States person. On [REDACTED] obtained authorization from [REDACTED] [REDACTED] The [REDACTED] was serviced by [REDACTED] which had confirmed that [REDACTED] was [REDACTED] and the address on the account was the residence where the targets lived. ~~(S)~~

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On [REDACTED] in accordance with the [REDACTED] order, [REDACTED] discontinued technical surveillance of targets' [REDACTED] This was accomplished by [REDACTED] and by notifying [REDACTED] to cancel [REDACTED]

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[REDACTED] Thereafter on [REDACTED] a [REDACTED] Intelligence Analyst (IA) queried the [REDACTED] and determined that [REDACTED] for the target's [REDACTED] was in fact disabled as directed. On [REDACTED] the same IA again verified through [REDACTED] that [REDACTED] was disabled. ~~(S)~~

(U)

On [REDACTED] the [REDACTED] IA noted through a review of [REDACTED] that the collection on targets' resident [REDACTED] was reactivated on [REDACTED] The [REDACTED] Supervisory Special Agent, Technical Squad, was notified immediately and on that date took the necessary steps to disable the line. ~~(S)~~

(U)

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Subsequently it was determined that on [REDACTED] [REDACTED] was shut down and the

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Derive from: G-3
Declassify on: X25-1

~~SECRET~~

Hofmann-IOB-374

~~SECRET~~

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[redacted]
[redacted] At that point, the targets [redacted]
was reactivated and began collecting data. It was also
subsequently learned that [redacted] did not disconnect the [redacted]

(U) [redacted] until [redacted] ~~(S)~~

Upon discovering the error on [redacted] appropriate
management personnel were notified at [redacted] and at FBI
Headquarters. Additionally, the [redacted] material
(U) collected after expiration of the [redacted] authorization was purged
from FBI data bases. ~~(S)~~

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Measures have been taken by [redacted] to prevent a
recurrence of this error including instructing [redacted] Technical
Squad's personnel in the proper procedures and the need for
vigilance in a handling all Court authorized technical
(U) surveillance and the need for attentiveness to all aspects of
technical collection. ~~(S)~~

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Though inadvertent, [redacted] violated 50
U.S.C.S 1842(c) (2) and The Attorney General's Guidelines for FBI
(U) National Security Investigations and Foreign Intelligence
Collection. ~~(S)~~

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This matter also has been referred to the FBI's
Inspection Division for action deemed appropriate. (U)

- 2 -

~~SECRET~~

Hofmann-IOB-375

March 11, 2005

Mr. James Langdon
Chairman
Intelligence Oversight Board
New Executive Office Building
Washington, D.C.

Dear Mr. Langdon:

This letter forwards for your information a self-explanatory enclosure entitled "Intelligence Oversight Board (IOB), Matter 2002-44." (U)

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

Enclosure

- 1 - Mrs. Thomas
- 1 - Mr.
- 1 - Mr.
- ① - 278-HQ-CI229736-VIO-730

b6
b7c

~~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 _____

~~SECRET~~ Hofmann-IOB-376

~~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)

Very truly yours,

Julie F. Thomas
Deputy General Counsel

- 1 - The Honorable Alberto R. Gonzales
Attorney General
U.S. Department of Justice
Room 5111
- 2 - Mr. James A. Baker
Counsel, Office of Intelligence Policy and Review
U.S. Department of Justice
Room 6150

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

~~SECRET 2~~

Hofmann-IOB-377

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED] DIVISION
IOB MATTER 2002-44 (U)

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(U) ~~(S)~~ The [REDACTED] Division [REDACTED] of the Federal Bureau of Investigation has reported a possible violation in conjunction with an international terrorism investigation.

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(U) ~~(S)~~ By electronic communication (EC) dated September 24, 2002, the Inspection Division requested Office of General Counsel review of a possible IOB error in conjunction with a counterterrorism investigation. The following facts are derived from the [REDACTED] EC from the [REDACTED] Division [REDACTED] to the Inspection Division.

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(U) ~~(S)~~ As reported by [REDACTED] initiated a [REDACTED] [REDACTED] on a "United States person" (hereafter referred to as "Subject") as that term is used in the March 8, 1999 Attorney General's Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations (March 8, 1999 AG Guidelines). [REDACTED] initiated this [REDACTED]. The initial [REDACTED] was extended and was due to expire on [REDACTED].

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(U) ~~(S)~~ As reported by [REDACTED] in the [REDACTED] EC, Subject contacted Special Agent [REDACTED] (SA [REDACTED]) to provide investigative information on three occasions, [REDACTED] [REDACTED]. In addition, SA [REDACTED] himself contacted Subject on [REDACTED] and elicited information relating to an ongoing counterterrorism investigation. SA [REDACTED] hereafter discovered the expiration of the [REDACTED] on [REDACTED].

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(U) ~~(S)~~ Based upon the facts presented for our consideration, it is apparent that although this [REDACTED] overrun was inadvertent it was not *de minimis* in time, according to the March 8, 1999 AG Guidelines. Here, there were four contacts with Subject, one initiated by SA [REDACTED] himself that occurred after the [REDACTED] expired. The [REDACTED] itself was not officially extended until [REDACTED] 20 days past the 30 day grace period for [REDACTED] extensions. However, it should be noted that under the October 31, 2003 Attorney General's Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations (October 31, 2003 AG Guidelines), an investigation is not required in order to conduct a non-pretextual interview. Here, SA [REDACTED] contact with Subject was analogous to an interview and therefore this conduct would not be in error of the October 31, 2003 AG Guidelines.

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(U) ~~(S)~~ Under the current AG Guidelines, [REDACTED] opened solely for the purpose of [REDACTED] may be distinguishable from other types of [REDACTED]. In this regard, the FBI is conducting a dialogue with the Department of Justice to clarify that distinction.

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(U) ~~(S)~~ Although SA [REDACTED] conduct would not be a reportable error under the October 31, 2003 AG Guidelines, because the conduct falls under the rubric of the March 9, 1999 AG Guidelines, the investigative activity that occurred after [REDACTED] was not authorized. In furtherance of section 2.4 of EO 12863, this matter is being reported to the Intelligence Oversight Board.

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~~SECRET~~

BY COURIER

March 18, 2005

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 2004-79." (U)

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

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

1 - Ms. Thomas *TH*
1 - Ms.
1 - Mr.

1 - IOB Library
① 278-HQ-C1229736-VIO-734

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

~~SECRET~~

~~SECRET~~

Hofmann-IOB-379

~~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,

Julie Thomas
Deputy General Counsel

Enclosure

- 1 - The Honorable Alberto R. Gonzalez
Attorney General
U.S. Department of Justice
Room 5111
- 1 - Mr. James Baker
Counsel, Office of Intelligence Policy and Review
U.S. Department of Justice
Room 6150

~~SECRET~~

Hofmann-IOB-380

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
IOB 2004-79 (U)

~~(S)~~ The FBI received authorization from [redacted]
[redacted] on [redacted] to use [redacted]
[redacted]

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(S) used by [redacted] a U.S. person, who is the subject
of an ongoing counterintelligence investigation within the
[redacted] Division [redacted]

(S) ~~(S)~~ [redacted]

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(U) ~~(S)~~ On [redacted] the [redacted] case agent received a username and
password for [redacted]

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This key permitted access to the information collected by
[redacted] pursuant to the order. On [redacted] the case agent
logged onto the system and realized that the collected
information included the subject line of at least [redacted] email,
information not authorized by the order. The case agent
terminated his review and immediately notified FBIHQ of the
error. None of the email text was printed out or saved on any
medium. On [redacted] the case agent was notified by the [redacted]
[redacted] that [redacted] had turned off the full content
collection tool on [redacted] email accounts. No copies of the contents
of the e-mail accounts were retained by the FBI.

(U) ~~(S)~~ The interception of electronic communications in this case
resulted from an error on the part of [redacted]
[redacted] nevertheless, the interception was unauthorized and
thus contrary to Title 18, United States Code, Section 2511. The
matter is therefore reportable to the Intelligence Oversight
Board under the terms of Executive Order 12863. In addition, it
has been referred to the FBI's Inspection Division, Internal

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Investigations Section for any action that is deemed appropriate.

~~SECRET~~

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

February 14, 2005
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 (IOB 2005-06)
(U)

b2
b7E

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

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)

1 - Ms. Thomas *ptb*
1 - Mr. [redacted]
278-HQ-C1229736-VIO-738
Inspection (IOB 05-0959)

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- Director _____
- Adm. _____
- CT/CI _____
- Crim. _____
- Intell. _____
- LES _____
- Dir. _____
- u. Serv. _____
- S _____
- Intell. _____
- terrorism _____
- u. Inv. _____
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- .Tech. _____
- atory _____
- . of Cong. Affs. _____
- . of the Gen. _____
- . Coun. _____
- . of Intell. _____
- . Pub. Affs. _____
- . of Prof. Resp. _____
- . Mgmt. _____
- urky _____
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~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

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

Hofmann-IOB-383

~~SECRET~~

MAIL ROOM

~~SECRET~~

pg2

General Brent Scowcroft (USAF Retired)

Enclosure

Sincerely,

Julie F. Thomas
Deputy General Counsel

- 1 - The Honorable Alberto Gonzales
Attorney General
U.S. Department of Justice
Room 5111
- 1 - Mr. James A. Baker
Counsel, Office of Intelligence Policy and Review
U.S. Department of Justice
Room 6150

Hofmann-IOB-384

~~SECRET~~

~~SECRET~~

b2
b7E

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[redacted] FIELD OFFICE
IOB MATTER IOB 2005-06 (U)

(S) By electronic communication (EC) dated 5/17/2004, the [redacted] Division [redacted] reported to NSLB a potential IOB matter. The matter involves actions occurring during a [redacted] on [redacted] a "United States person." within the meaning of Section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (FISA).¹ [redacted] initiated a [redacted] which was set to expire on [redacted]. On [redacted] extended the [redacted] to [redacted]. During the investigation, Technical Field Agent (TFA) [redacted] requested surveillance of the subject's residence. TFA [redacted] Based on the facts learned at that time, TFA [redacted] decided to close the [redacted] and communicated this to the [redacted] via e-mail. TFA [redacted] did not follow up with SIS-TC [redacted] the [redacted] Supervisor, to confirm the cancellation of the surveillance tasking. [redacted] closed the [redacted] on [redacted]. On [redacted] the [redacted] Squad surveilled [redacted] residence. (S) During this surveillance, the [redacted] observed two vehicles leave the residence, and followed one vehicle to a local grocery store. The surveillance was terminated and no further action was taken. TFA [redacted] received the [redacted] Squad's surveillance report on [redacted] detailing the limited surveillance. He communicated with SIS-TC [redacted] concerning the accidental coverage. SIS-TC [redacted] confirmed the receipt of the discontinuance and noted the surveillance had been scheduled by mistake. The [redacted] overrun was not de minimus in time. As noted, investigative activity occurred almost ninety days after termination of the authorized period. [redacted] has instituted corrective measures to prevent a recurrence.

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(U) This matter has been referred to the FBI's Inspection Division for action deemed appropriate. (U)

~~(S)~~ Derived From: G-3
Declassify On: X25-1

¹See also the Attorney General's Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations (NSIG), [redacted] (Oct. 31, 2003).

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~~SECRET~~

Hofmann-IOB-385

February 18, 2005
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 2005-05." (U)

b2
b7E

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

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)

- 1 - Ms. Thomas *gob*
- 1 - Mr. [redacted]
- 1 - 278-HQ-C1229736-VIO-740
- 1 - Inspection (IOB 2005-05)

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- Director _____
- Adm. _____
- CT/CI _____
- Crim. _____
- Intell. _____
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- . of Intell. _____
- . Pub. Affs. _____
- . of Prof. Resp. _____
- . Mgmt. _____
- urity _____
- ining _____
- of EROA _____

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

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

Hofmann-IOB-386

~~SECRET~~

MAIL ROOM

~~SECRET~~

General Brent Scowcroft (USAF Retired)

Enclosure

Sincerely,

Julie F. Thomas
Deputy General Counsel

- 1 - The Honorable Alberto Gonzales
Attorney General
U.S. Department of Justice
Room 5111

- 1 - Mr. James A. Baker
Counsel, Office of Intelligence Policy and Review
U.S. Department of Justice
Room 6150

Hofmann-IOB-387

~~SECRET~~

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[redacted] DIVISION
IOB MATTER 2005-05 (U)

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By electronic communication (EC) dated [redacted]

[redacted] reported to the Inspection Division (Inspection) this potential IOB matter. In an EC dated [redacted] Inspection reported to NSLB the possible capture of electronic mail (e-mail) data by [redacted] after expiration of valid [redacted]

[redacted] order expired [redacted] received the [redacted] orders and initiated collection of e-mail data on these subjects, serving orders on [redacted] and [redacted] for multiple e-mail accounts. [redacted]

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On [redacted] [redacted] discovered that the e-mail data may have been collected following expiration of the [redacted] orders. [redacted] personnel contacted [redacted] and were advised that [redacted] were configured to halt delivery of the data on the date and time that the [redacted] orders expired. Nevertheless, [redacted] computer data displayed a date and time post-expiration of the orders. [redacted] did not open or review the collected e-mail data to determine whether it was collected post [redacted] but copied it to a CD-ROM. [redacted] subsequently modified the collection system to institute automated stops to prevent downloading data post [redacted] order expiration. ~~(S)~~

(U)

This matter has been referred to the FBI's Inspection Division for action deemed appropriate. (U)

(U)

~~(S)~~

~~Derived From : G-3
Declassify On: X25-1~~

(U)

~~(S)~~ As the term is used in Section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (FISA), a "United States person" includes "a citizen of the United States [or] an alien lawfully admitted for permanent residence . . ." 50 U.S.C. § 1801(i). See also the Attorney General's Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations (NSIG), [redacted] (Oct. 31, 2003).

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~~SECRET~~

Hofmann-IOB-388

~~SECRET~~

BY COURIER

March 23, 2005

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. 2005-07." (U)

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

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

1 - Ms. Thomas ⁷⁰⁰
1 - Ms.
1 - Mr. 1 - IOB Library
① 278-HQ-C1229736-VIO-742

b6
b7c

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

~~SECRET~~

~~SECRET~~

Hofmann-IOB-389

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,

Julie Thomas
Deputy General Counsel

Enclosure

- 1 - The Honorable Alberto R. Gonzalez
Attorney General
U.S. Department of Justice
Room 5111
- 1 - Mr. James Baker
Counsel, Office of Intelligence Policy and Review
U.S. Department of Justice
Room 6150

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

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

~~SECRET~~

Hofmann-IOB-390

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
IOB 2005-07 (U)

(U) ~~(S)~~ The [redacted] Division [redacted] of the Federal Bureau of Investigation has reported a period of [redacted] through the inadvertent activation [redacted] during the process of amending expiration dates [redacted] that were the subject of orders issued by [redacted]

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~~(S)~~ [redacted]
[redacted]

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(S)

(S)

~~(S)~~ On [redacted] FBI personnel inadvertently [redacted] in [redacted] when updating the expiration times [redacted] that were the subject of [redacted] authorization orders [redacted] was operational from approximately 4:05 p.m. on [redacted] until corrective action was taken at 12:46 pm on [redacted] (20 hours and 41 minutes). During the time [redacted] was enabled [redacted] On [redacted] an FBI Language Specialist, who had not yet been advised of the error, reviewed the recording and determined that it had not captured [redacted] was blank. The procedures were modified to prevent such a mistake in the future.

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(U) ~~(S)~~ No information intercepted during this non-authorized period was entered into FBI systems including [redacted] However, this inadvertent interception was conducted without court authorization. The matter is therefore reportable to the Intelligence Oversight Board under the terms of Executive Order 12863. In addition, it has been referred to the FBI's Inspection Division, Internal Investigations Section for any action that is deemed appropriate.

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~~SECRET~~

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

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:

This letter forwards for your information a self-explanatory enclosure, entitled "Intelligence Oversight Board (IOB) Matter 2005-08."

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. This matter has also been referred to our Internal Investigations Section, Inspection Division, for a determination of whether any administrative action is warranted.
(U)

Enclosure

- 1 - Ms. Thomas
- 1 - Ms. [REDACTED]
- 1 - 278-HQ-CI229736-VIO-745

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b7c

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

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

~~SECRET~~ Hofmann-IOB-392

- 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,

Julie F. Thomas
Deputy General Counsel

- 1 - The Honorable Alberto Gonzales
Attorney General
U.S. Department of Justice
Room 5111

- 1 - Mr. James Baker
Counsel for Intelligence Policy, OIPR
U.S. Department of Justice

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

~~SECRET~~

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED] DIVISION
FEDERAL BUREAU OF INVESTIGATION HEADQUARTERS (FBIHQ)
IOB MATTER 2005-08 (U)

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(S//OC, NF) By electronic communication (EC) dated January 7, 2005, the [REDACTED] Field Office [REDACTED] reported a possible IOB error in conjunction with an ongoing [REDACTED]

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[REDACTED] In this regard, [REDACTED] reported that, on [REDACTED] [REDACTED] authorized the search of the email account [REDACTED] [REDACTED] until [REDACTED]

(S)

(S//OC, NF) On [REDACTED] upon reviewing [REDACTED] [REDACTED] provided in response to [REDACTED] order, [REDACTED] learned that [REDACTED] while intercepting [REDACTED] from the correct account, was providing email communications from the wrong email account, [REDACTED]

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(S) Although some of the emails were reviewed by linguists, none of the communications have been processed any further or documented in any FBI files.

(U) (S//OC, NF) On [REDACTED] [REDACTED] contacted [REDACTED] in the [REDACTED] Unit and requested that the FBI halt all downloading of email data for this account. [REDACTED] also requested that SISS [REDACTED] contact [REDACTED] and request that they cease all monitoring of this account. Finally, [REDACTED] advised the Special Agent and Linguist assigned to cease all monitoring of the emails from this account.

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(S//OC, NF) On [REDACTED] at 9:01 a.m. PST, [REDACTED] [REDACTED] ceased all monitoring of [REDACTED] At 9:05 a.m. PST, [REDACTED] began monitoring [REDACTED] s authorized.

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(S//OC, NF) By EC dated [REDACTED] [REDACTED] forwarded a CDROM containing all communications to and from email account [REDACTED] collected from [REDACTED] to [REDACTED] from all Bureau collections systems to the [REDACTED] Division. The [REDACTED] Unit requested that the [REDACTED] Division deliver the CDROM to the Office of Intelligence Policy and Review, Department of Justice, for appropriate disposition. The

(S)

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~~SECRET~~

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(S) [redacted] Unit also requested that the [redacted] Division remove all communications to and from email account [redacted] collected from [redacted]

(U) ~~(S)~~ (OC, NF) Here, as a consequence of an error on the part of [redacted] and through no fault of [redacted] an unauthorized [redacted] of an email account was conducted. Based upon our analysis, in accordance with the reporting requirements of Section 2.4 of E.O. 12863, this mistake must be reported to the IOB because the surveillance was not authorized under the Foreign Intelligence Surveillance Act or Executive Order 12333. OGC will prepare an appropriate cover letter and an enclosure for the Deputy General Counsel to report this matter to the IOB.

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

APPROVED:

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

~~SECRET~~ Hofmann-IOB-395

March 23, 2005
BY COURIER

Mr. James Langdon
Intelligence Oversight Board
Room 5020
New Executive Office Building
725 17th Street, NW
Washington, D.C. 20503

Dear Mr. Langdon:

This letter forwards for your information a self-explanatory enclosure, entitled "SSA [redacted] A/SSA [redacted] SA [redacted] SSA [redacted] Intelligence Oversight Board Matter 2005-12."

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b7C

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. This matter has also been referred to our Internal Investigations Section, Inspection Division, for a determination of whether any administrative action is warranted.
(U)

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b7C

Enclosure

1 - Ms. Thomas

1 - Ms. [redacted]

① 278-HQ-C1229736-VIO-747

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

~~Derived From: G-3
Declassify On: X1~~

~~SECRET~~ Hofmann-IOB-396

- 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~~

Mr. James Langdon

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,

Julie F. Thomas
Deputy General Counsel

- 1 - The Honorable Alberto Gonzales
Attorney General
U.S. Department of Justice
Room 5111

- 1 - Mr. James Baker
Counsel for Intelligence Policy, OIPR
U.S. Department of Justice

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.	_____	Pers. Affs.	_____
		Personnel	_____	Cong. Affs.	_____

~~SECRET~~

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED] DIVISION
FEDERAL BUREAU OF INVESTIGATION HEADQUARTERS (FBIHQ)
IOB MATTER 2005-12 (U)

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(S) ~~(S)~~ By electronic communication (EC) dated May 31, 2002, the [REDACTED] Field Office [REDACTED] reported a possible IOB error in conjunction with [REDACTED].
(S) [REDACTED] In this regard, [REDACTED] reported that [REDACTED] was authorized on [REDACTED].
(S) [REDACTED] was initially identified as a non-USPER. However, subsequent investigation determined that he became a naturalized United States citizen in [REDACTED].

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(U) ~~(S)~~ The initial case agent, SA [REDACTED] failed to submit a 90-day letterhead memorandum (LHM) to the [REDACTED] within the period prescribed by regulation due to the mistaken belief that submission of an application for Foreign Intelligence Surveillance Act (FISA) surveillance authority would satisfy the reporting requirement. Additionally, SA [REDACTED] failed to timely submit the required annual LHM. The annual LHM was due in [REDACTED] but was not submitted until [REDACTED].

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(S) ~~(S)~~ On [REDACTED] the [REDACTED] investigation was reassigned to SA [REDACTED]. SA [REDACTED] noted in the reassignment EC that an annual LHM was due. However, SA [REDACTED] stated that she had not submitted the annual LHM due to her higher investigative priorities (e.g., [REDACTED] matters). SA [REDACTED] was tasked with authoring the required document.

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(U) ~~(S)~~ Upon review of the investigative file, SA [REDACTED] noted the absence of an annual LHM. Accordingly, SA [REDACTED] drafted an annual LHM to coincide with the date of the last submitted LHM [REDACTED], and advised [REDACTED] [REDACTED] Division, [REDACTED] Unit, that [REDACTED] would revert to the August case initiation date as a baseline date for its submission of future annual LHM reporting.

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(S) ~~(S)~~ [REDACTED] the subject of the [REDACTED] became a "United States person" as that term is used in Section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (FISA) and Section II.W of the March 8, 1999 Attorney General Guidelines for FBI Foreign

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Hofmann-IOB-398

~~SECRET~~

~~SECRET~~

Intelligence Collection and Foreign Counterintelligence
Investigations (March 8, 1999 AG Guidelines).¹

(U) ~~(S)~~ Here, the initial case agent failed to submit a 90-day LHM due to the mistaken belief that a submission of an application for [redacted] would satisfy the reporting requirements. However, the requirements of the March 8, 1999 AG Guidelines are independent of the [redacted]. An application for [redacted] does not satisfy the reporting requirements of the March 8, 1999 AG Guidelines.

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(U) ~~(S)~~ Further, the initial case agent failed to timely submit the required annual LHM that was due in [redacted]. Rather, the case agent submitted the annual LHM on [redacted] approximately seven months late. This delayed reporting precluded the Department of Justice, Office of Intelligence and Policy Review from exercising its responsibility for oversight and approval of an ongoing full foreign counterintelligence investigation of a U.S. person, which is contrary to the requirements of the March 8, 1999 AG Guidelines.²

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(U) ~~(S)~~ Based upon our analysis, in accordance with the reporting requirements of Section 2.4 of E.O. 12863, this mistake must be reported to the IOB.

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

(U) ¹ ~~(S)~~ The March 8, 1999 AG Guidelines were superseded by the Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection on October 31, 2003 (October 31, 2003 AG Guidelines). Because the incident described in the May 31, 2002 EC occurred before the October 31, 2003 AG Guidelines became effective, whether an IOB violation occurred must be analyzed under the March 8, 1999 AG Guidelines.

(U) ² ~~(S)~~ Under the October 31, 2003 AG Guidelines, overdue reports of administrative or investigative activities are not required to be reported to the Office of the General Counsel as potential IOB matters.

- 2 -

~~SECRET~~

Hofmann-IOB-399

March 23, 2005
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:

This letter forwards for your information a self-explanatory enclosure, entitled "SSA [redacted] Sa [redacted] [redacted] Intelligence Oversight Board Matter 2005-13."

b6
b7C

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. This matter has also been referred to our Internal Investigations Section, Inspection Division, for a determination of whether any administrative action is warranted.
(U)

Enclosure

b6
b7C

1 - Ms. Thomas
1 - Ms. [redacted]
1 - 278-HQ-C1229736-VIO - 749

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

~~Derived From: G-3
Declassify On: X1~~

Hofmann-IOB-400

- 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~~

~~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,

Julie F. Thomas
Deputy General Counsel

- 1 - The Honorable Alberto Gonzales
Attorney General
U.S. Department of Justice
Room 5111

- 1 - Mr. James Baker
Counsel for Intelligence Policy, OIPR
U.S. Department of Justice

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

~~SECRET~~

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED] DIVISION
FEDERAL BUREAU OF INVESTIGATION HEADQUARTERS (FBIHQ)
IOB MATTER 2005-13 (U)

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~~(S)~~ By electronic communication (EC) dated October 16, 2002, the [REDACTED] Field Office [REDACTED] reported a possible IOB error in conjunction with an ongoing counterterrorism investigation. In this regard, [REDACTED] reported that [REDACTED] [REDACTED] authorized the monitoring of telephone conversations of [REDACTED] a U.S. Person. The [REDACTED] authority expired on [REDACTED]

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(S)

~~(S)~~ During the afternoon hours of [REDACTED] SA [REDACTED] and [REDACTED] made technical adjustments to the [REDACTED] Division [REDACTED] While working on the [REDACTED] a mistaken reconfiguration of the [REDACTED] occurred. The mistaken reconfiguration served to simultaneously disable [REDACTED] of [REDACTED] line of a [REDACTED] counterintelligence investigation [REDACTED] and reactivate the previously terminated electronic coverage of [REDACTED]

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(S)

(S)

~~(S)~~ On [REDACTED] at approximately 4:00 p.m., a [REDACTED] Special Agent who was [REDACTED] relating to [REDACTED] [REDACTED] determined that [REDACTED] at 3:26 p.m. on that same day did not appear to pertain to such investigation. An informal notation of this observation was immediately made by the monitoring Special Agent. The next morning, it was [REDACTED] determined that [REDACTED] pertained to [REDACTED] investigation.

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(S)

(S)

~~(S)~~ Realizing the [REDACTED] had expired on [REDACTED] in [REDACTED] investigation, Supervisory Special Agent [REDACTED] the [REDACTED] Division technical Squad Supervisor, was immediately notified of the unauthorized [REDACTED] Corrective action immediately was taken to discontinue the inadvertent coverage of [REDACTED]

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(S)

~~(S)~~ Due to the mistaken reconfiguration, from [REDACTED] [REDACTED] after the [REDACTED] had expired, [REDACTED] inadvertently recorded [REDACTED] on [REDACTED] [REDACTED] on [REDACTED] [REDACTED] were inadvertently recorded between 3:13 p.m. on [REDACTED] and 10:28 a.m. on [REDACTED]

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~~SECRET~~

(U) ~~(S)~~ On [redacted] the [redacted] Unit, the [redacted] and Department of Justice, Office of Intelligence and Policy Review (OIPR) were notified of the inadvertent recording. Upon being advised that [redacted] had not recorded the inadvertently intercepted conversations onto a [redacted] (which serves as [redacted] OIPR instructed [redacted] to transfer the inadvertently recorded conversation onto a [redacted] to be forwarded to the [redacted] Unit, [redacted] has complied with this directive.

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~~(S)~~ Here, due to a mistaken reconfiguration of the [redacted] Division's [redacted] an unauthorized [redacted] was conducted. Upon learning that [redacted] was being monitored, and that [redacted] had expired on September [redacted] in the [redacted] investigation, [redacted] immediately took corrective action to discontinue the inadvertent surveillance.

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(U) ~~(S)~~ Based upon our analysis, in accordance with the reporting requirements of Section 2.4 of E.O. 12863, this mistake must be reported to the IOB because the surveillance was not authorized under the [redacted] or Executive Order 12333. OGC will prepare an appropriate cover letter and an enclosure for the Deputy General Counsel to report this matter to the IOB.

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

- 2 -

~~SECRET~~

Hofmann-IOB-403

DECLASSIFIED BY 65179DMH/PLJ/CC
ON 06-30-2010

March 23, 2005
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:

This letter forwards for your information a self-explanatory enclosure, entitled "SSA [redacted] SA [redacted] [redacted] Division, Intelligence Oversight Board Matter 2005-14."

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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. This matter has also been referred to our Internal Investigations Section, Inspection Division, for a determination of whether any administrative action is warranted.
(U)

Enclosure

- 1 - Ms. Thomas
- 1 - Ms. [redacted]
- ① - 278-HQ-C1229736-VIO - 751 (751)

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b7C

- 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~~

~~Derived From: G-3
Declassify On: X1~~

Hofmann-IOB-404

~~SECRET~~

~~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,

Julie F. Thomas
Deputy General Counsel

- 1 - The Honorable Alberto Gonzales
Attorney General
U.S. Department of Justice
Room 5111

- 1 - Mr. James Baker
Counsel for Intelligence Policy, OIPR
U.S. Department of Justice

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

~~SECRET~~

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED] DIVISION
FEDERAL BUREAU OF INVESTIGATION HEADQUARTERS (FBIHQ)
IOB MATTER 2005-14 (U)

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~~(S)~~ By electronic communication (EC) dated July 29, 2002, the [REDACTED] Field Office [REDACTED] reported a possible IOB error in conjunction with [REDACTED]

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(S) [REDACTED] a United States person. In this regard, [REDACTED] reported that a [REDACTED] was initiated on [REDACTED] on [REDACTED]. The case was closed on [REDACTED]. A [REDACTED] was established on [REDACTED] and subsequently was [REDACTED] on [REDACTED] submitted the required annual letterhead memorandum (LHM) on [REDACTED]. However, [REDACTED] failed to provide a mandatory 90-day LHM.

(S)

(S) ~~(S)~~ [REDACTED] the subject of the [REDACTED] [REDACTED] is a "United States person" as that term is used in Section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (FISA) and Section II.W of the March 8, 1999 Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations (March 8, 1999 AG Guidelines).¹

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(U) ~~(S)~~ Here, [REDACTED] failed to provide a mandatory 90-day LHM. When the [REDACTED] [REDACTED] was required to submit an LHM within 90 days from the date that [REDACTED] [REDACTED] was initiated. [REDACTED] failed to do so. This delayed reporting precluded OIPR from exercising its responsibility for oversight and approval of [REDACTED] of a U.S. person, which

b2
b7E

(U) ¹ ~~(S)~~ The March 8, 1999 AG Guidelines were superseded by the Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection on October 31, 2003 (October 31, 2003 AG Guidelines). However, because the incident described in the July 29, 2002 EC occurred before the October 31, 2003 AG Guidelines became effective, whether an IOB violation occurred must be analyzed under the March 8, 1999 AG Guidelines.

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~~SECRET~~

is contrary to the requirements of the March 8, 1999 AG Guidelines.²

(U) ~~(S)~~ Based upon our analysis, in accordance with the reporting requirements of Section 2.4 of E.O. 12863, this mistake must be reported to the IOB. OGC will prepare an appropriate cover letter and an enclosure for the Deputy General Counsel to report this matter to the IOB.

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

² (S) Under the October 31, 2003 AG Guidelines, overdue reports of administrative or investigative activities are not required to be reported to the Office of the General Counsel as potential IOB matters.