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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 09/23/2002

To: Director's Office
General Counsel

Attn: Robert J. Jordan,
OPR, Rm. 7129
Kenneth L. Wainstein,
National Security Law Unit,
Rm. 7975

From: Inspection
Inspection Management Unit/Room 7837

Contact: [Redacted]

Approved By: [Redacted]

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Drafted By: [Redacted]

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IOB Matter

Case ID #: (U) (S) [Redacted]

(Pending)

Title: (U) (S)

SS [Redacted]
SA [Redacted]

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[Redacted] DIVISION

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IOB
2002 [Redacted]

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①

Synopsis: (S) Request of the Office of the General Counsel (OGC) to review the facts of a possible Intelligence Oversight Board (IOB) violation.

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

b1

Reference: (S) 278-HQ-C1229736-VIO SERIAL 25

[Large Redacted Area]

(S)

*Send review
by OGC*

~~SECRET~~

DATE: 02-09-2006
CLASSIFIED BY 65179/DMH/VC
REASON: 1.4 (C D)
DECLASSIFY ON: 02-09-2031

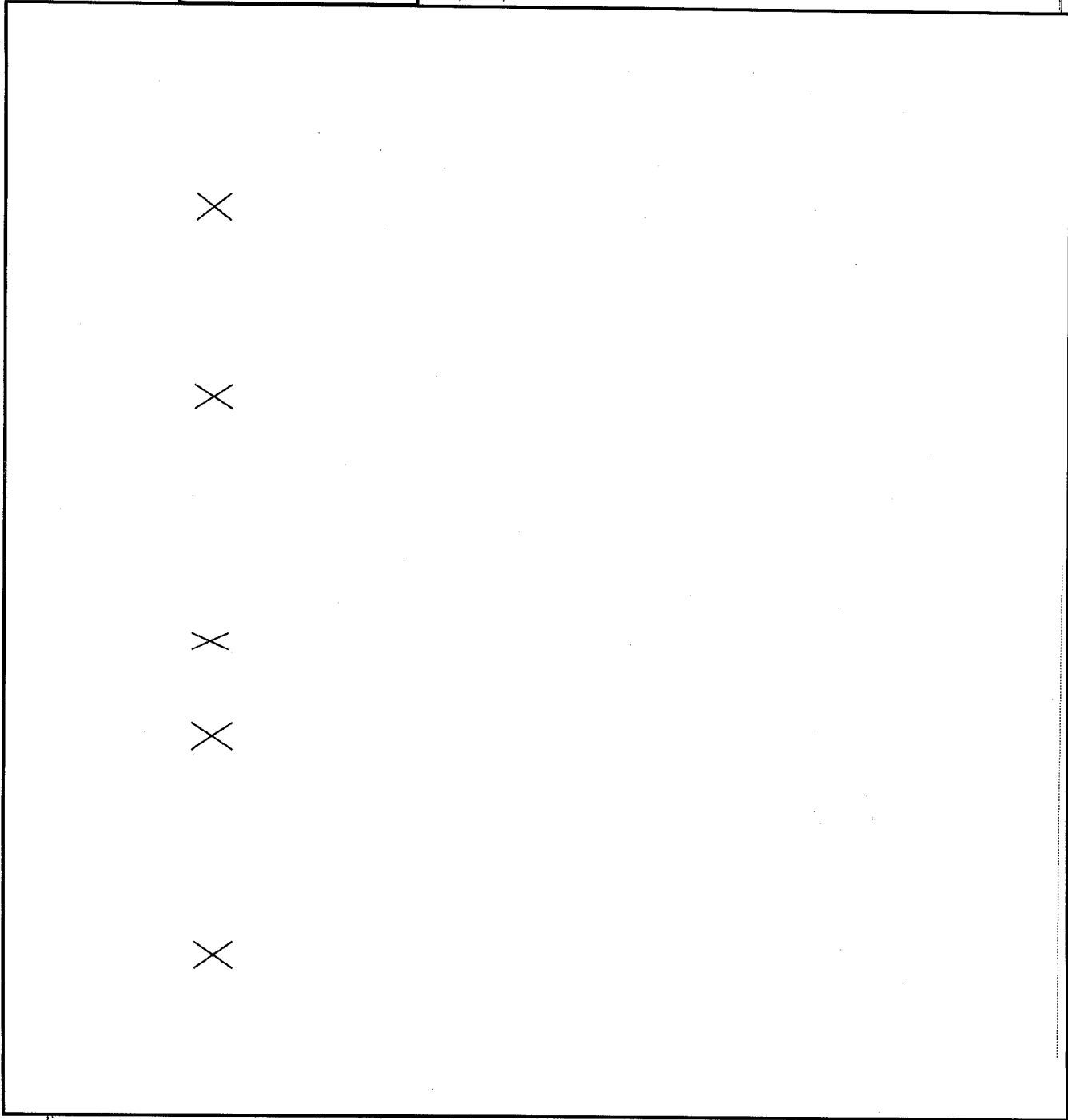
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

263-HQ-0-4-71

uploaded 10/1/02

~~SECRET~~

To: Director's Office From: Inspection b2
Re: ~~(S)~~ [redacted] 09/23/2002



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To: Director's Office From: Inspection
Re: ~~(S)~~ [REDACTED] 09/23/2002 b2

LEAD(s):

Set Lead 1: (Adm)

GENERAL COUNSEL

AT WASHINGTON, D.C.

(U) ~~(S)~~ Upon review of the attached EC, determine whether the information is a reportable IOB violation. If it is determined, a reportable IOB violation exists, prepare an appropriate letter and LHM from Assistant Director Lynn A. Hunt, INSD and Chief Counsel Kenneth L. Wainstein, OGC, forwarding matter to the IOB.

Set Lead 2: (Adm)

DIRECTOR'S OFFICE

AT WASHINGTON, D.C.

(U) ~~(S)~~ Attached EC is provided to OPR pursuant to the NFIP Manual, Part 1, Section 6-7.5. OPR is requested to review information to determine whether disciplinary action is warranted.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 08/20/2002

To: Inspection
General Counsel

Attn: Inspection Management Unit
Attn: National Security Law Unit
Attn: SA [redacted]

From: [redacted]

17A
Contact: SA [redacted]

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Approved By: [redacted]

[redacted] (SAC)
[redacted] (A/ASAC) MHS/Rmt
[redacted] (CDC) [redacted]
[redacted] (SSA) [redacted]
[redacted] (SSA) Rmt

Drafted By: [redacted] :dcv DW

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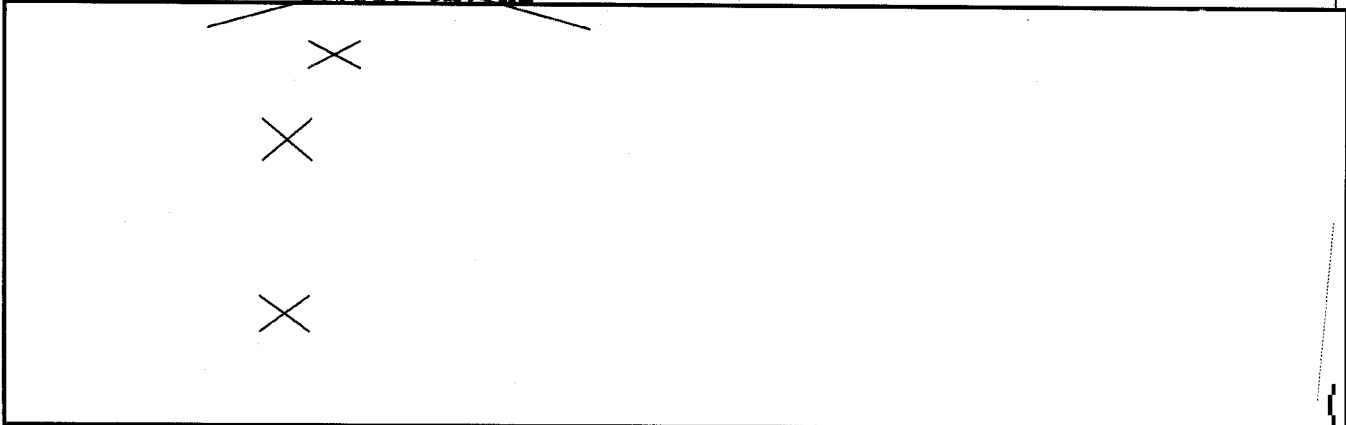
Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO (Pending)-25

Title: ~~(U)~~ ~~(S)~~ SSA [redacted]
SA [redacted]
DIVISION
IOB Matter
2002 [redacted]

TITLE

Synopsis: ~~(S)~~ ~~(U)~~ To report a possible IOB matter.

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



(S)

072 278-HQ-dew / 9/17/02
[redacted]

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WHERE SHOWN OTHERWISE

DATE: 02-14-2006
CLASSIFIED BY 65179/DMH/VC
REASON: 1.4 (C)
DECLASSIFY ON: 02-14-2031

✓ 278-HQ-1397077-1

278-HQ-C1229736-VIO, 25

~~SECRET~~

To: Inspection From: [Redacted]
Re: 278-HQ-C1229736-VIO, 08/20/2002

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[Redacted]

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To: Inspection From: [redacted]
Re: 278-HQ-C1229736-VIO, 08/20/2002

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To: Inspection From:
Re: 278-HQ-C1229736-VIO, 08/20/2002

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LEAD (s):

Set Lead 1: (Adm)

INSPECTION

AT WASHINGTON, DC

(U) ~~(S)~~ For your information. Read and clear.

~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 09/13/2002

To: Inspection

Attn: Inspection Management Unit
SSA [redacted]

Director's Office

Attn: Office of Professional
Responsibility
Mr. Robert J. Jordan

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Counterterrorism

Attn: CD-2A
SSA [redacted]
IOS [redacted]

From: General Counsel

National Security Affairs/Room 7974

b2

Contact: Marion E. Bowman, [redacted]

Approved By: Bowman Marion E

[redacted]

IOB Matters

①

Drafted By:

Case ID #: ~~(S)~~ [redacted]

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Title: ~~(S)~~ (U) SSA [redacted]
SA [redacted]

[redacted] DIVISION
IOB
2002 [redacted]

Synopsis: ~~(S)~~ It is the opinion of the Office of the General Counsel (OGC) that this matter must be reported to the IOB and to the Office of Professional Responsibility (OPR), FBIHQ. OGC will prepare a cover letter and a letterhead memorandum for the General Counsel and the Assistant Director, Inspection Division (INSD), for submission to the IOB.

~~(S) (U)~~ Classified By: 39645, NSA/OGC
Reason: 1.5(c)
Declassify On: X1

mmj

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 02-14-2006
CLASSIFIED BY 65179/DMH/VC
REASON: 1.4 (C)
DECLASSIFY ON: 02-14-2031

263-HQ-0-4-72

~~SECRET~~

To: Inspection From: General Counsel
Re: ~~(S)~~(U) [redacted], 09/13/2002

b2

Reference: ~~(S)~~(U) [redacted]

Administrative: (U) This communication contains one or more footnotes. To read the footnotes, download and print the document in WordPerfect 6.1.

Details: (U) Referenced communication from INSD to OGC, dated 09/04/02, requested that OGC review the facts of the captioned matter and determine whether it warrants reporting to the IOB. In our opinion, it does. Our analysis follows.

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² (U) Foreign Intelligence Surveillance Act, 50 U.S.C. § 1801 et seq.

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To: Inspection From: General Counsel
Re: (U) (S) [redacted], 09/13/2002

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[redacted] (s)

(U) Section 2.4 of Executive Order (E.O.) 12863, dated 09/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, INSD, and the General Counsel, OGC, respectively) report to the IOB all information "concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive." This language was adopted verbatim from E.O. 12334, dated 12/04/1981, when the IOB was known as the President's Intelligence Oversight Board.

(U) Title 18, United States Code, Section 2511(2)(f) states that the procedures contained in the FISA and Title III of the 1968 Omnibus Crime Control Act (as amended by the Electronic Communications Privacy Act) "shall be the exclusive means by which electronic surveillance . . . and the interception of domestic wire and oral communications may be conducted." With regard to foreign intelligence collection, Section 2.5 of E.O. 12333 provides that, "[e]lectronic surveillance, as defined in the Foreign Intelligence Surveillance Act of 1978, shall be conducted in accordance with that Act, as well as this Order." Under Title 50, United States Code, Section 1802(b), only the FISC is authorized to grant an order approving the electronic surveillance of a foreign power or an agent of a foreign power

3 (s) [redacted]

[redacted]

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To: Inspection From: General Counsel
Re: ~~(S)~~ (U) [redacted], 09/13/2002 b2

for the purposes of obtaining foreign intelligence information. The term electronic surveillance means "the acquisition by an electronic, mechanical, or other surveillance device of the contents of any wire or radio communication to or from a person in the United States, without the consent of any party thereto, if such acquisition occurs in the United States." 50 U.S.C. § 1801(f)(2).

(S) [redacted]

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Lead(s):

Set Lead 1:

INSPECTION DIVISION

AT WASHINGTON, DC

(U) For action deemed appropriate.

4 (S) [redacted]

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To: Inspection From: General Counsel
Re: ~~(S)~~(U) [redacted], 09/13/2002

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Set Lead 2:

COUNTERTERRORISM DIVISION

AT WASHINGTON, DC

(S) [redacted]

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Set Lead 3:

DIRECTOR'S OFFICE

AT OPR FO, DC

(U) For action deemed appropriate.

1 - Mr. Wainstein
1 - NSLU Library

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(01/26/1998)

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 09/17/2002

To: Inspection

Attn: Inspection Management Unit
SSA [redacted]

Director's Office

Attn: Office of Professional Responsibility
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b7c

From: General Counsel

National Security Affairs Branch/Room 7974 b2

Contact: Marion E. Bowman, [redacted]

Approved By: Rowman Marion E

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Drafted By: [redacted]

Case ID #: (S) (U) [redacted]

Title: (S) (U) SSA [redacted]

SA [redacted]

DIVISION

IOB

2002 [redacted]

IOB Matters

Synopsis: ~~(S)~~ It is the opinion of the Office of the General Counsel (OGC) that this matter must be reported to the IOB and to the Office of Professional Responsibility (OPR), FBIHQ. OGC will prepare a cover letter and a letterhead memorandum for the General Counsel and the Assistant Director, Inspection Division (INSD), for submission to the IOB. Submission of this matter to the OPR is a matter within the cognizance of the Inspection Management Unit (IMU).

~~(S)~~

~~Classified By: 39645, NSA/OGC~~

~~Reason: 1.5(c)~~

~~Declassify On: X1~~

(U)

(U)

Reference: ~~(S)~~ [redacted]

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ALL INFORMATION CONTAINED
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WHERE SHOWN OTHERWISE

~~SECRET~~

DATE: 02-14-2006
CLASSIFIED BY 65179/DMH/VC
REASON: 1.4 (C D)
DECLASSIFY ON: 02-14-2031

*NO OPR
ACTION.*

263-40-0-4-73

~~SECRET~~

To: Inspection From: General Counsel
Re: ~~(S)~~ (U) [redacted], 09/17/2002 b2

Administrative: (U) This communication contains one or more footnotes. To read the footnotes, download and print the document in WordPerfect 6.1.

Details: (U) Referenced communication from INSD to OGC, dated 09/05/02, requested that OGC review the facts of the captioned matter and determine whether it warrants reporting to the IOB. In our opinion, it does. Our analysis follows.

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1 (S) [redacted]

[Redacted block]

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2 (U) [redacted] EC.

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3 (U) Id.

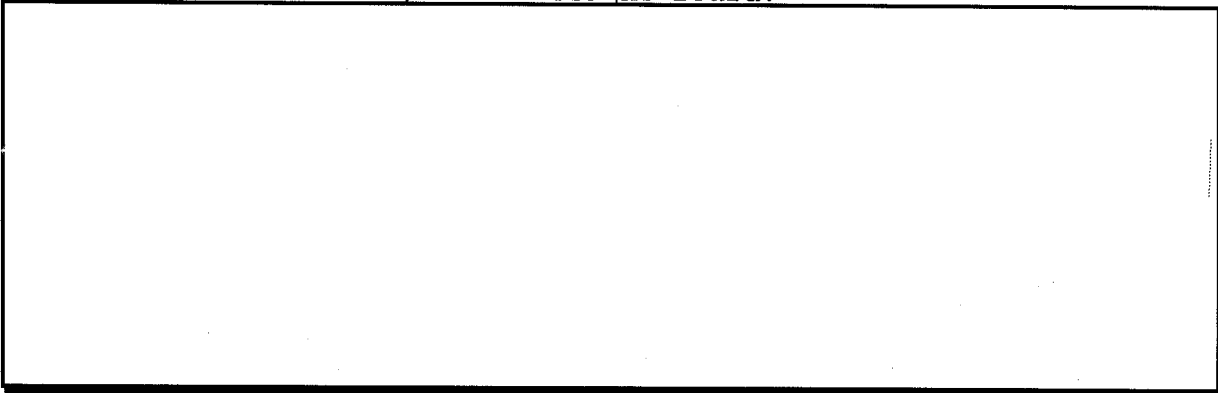
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~~SECRET~~

~~SECRET~~

To: Inspection From: General Counsel
Re: (U) ~~(S)~~ [redacted], 09/17/2002 b2

(U) Section 2.4 of Executive Order (E.O.) 12863, dated 09/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, INSD, and the General Counsel, OGC, respectively) report to the IOB all information "concerning intelligence activities that they have reason to believe may be unlawful, unauthorized, or contrary to Executive order or Presidential directive." This language was adopted verbatim from E.O. 12334, dated 12/04/1981, when the IOB was known as the President's Intelligence Oversight Board.



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Lead(s):

Set Lead 1:

INSPECTION DIVISION

AT WASHINGTON, DC

(U) For action consistent with our opinion.

Set Lead 2:

DIRECTOR'S OFFICE

AT OPR FO, DC

(U) Read and clear.

~~SECRET~~

~~SECRET~~

To: Inspection From: General Counsel
Re: ~~(S)~~ (U) [redacted] , 09/17/2002

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1 - Mr. Wainstein - Room 7427 b6
1 - [redacted] Room 7975 b7c
1 - IOB Library

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 10/07/2002

To: Inspection

Attn: Inspection Management Unit
SSA [redacted] b6

Director's Office

Attn: Office of Professional
Responsibility b7C

From: General Counsel

National Security Affairs/Room 7975 b2

Contact: M. E. Bowman, [redacted]

Approved By: Bowman Marion E

[redacted]

Drafted By:

Case ID #: (U) [redacted]

Title: ~~(S)~~ SSA [redacted]

SA [redacted]
IOB [redacted]
2002 [redacted]

*IOB
Matters*

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Synopsis: ~~(S)~~ It is the opinion of the Office of General Counsel (OGC) that this matter must be reported to the Intelligence Oversight Board (IOB) and to the Office of Professional Responsibility (OPR), FBIHQ. OGC will prepare a cover letter and a letterhead memorandum for the General Counsel and the Assistant Director, Inspection Division (INSD), to report this matter to the IOB. Submission of this matter to the OPR, together with a copy of our opinion, is a matter within the cognizance of the Inspection Management Unit (IMU), INSD.

763-HQ-O-U-174

(U)

~~Classified By: 39645, NSA/OGC
Reason: 1.5(c)
Declassify On: X1~~

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

DATE: 02-14-2006
CLASSIFIED BY 65179/DMH/VC
REASON: 1.4 (C)
DECLASSIFY ON: 02-14-2031

~~SECRET~~

To: Inspection From: General Counsel
Re: (U) [redacted], 10/07/02

b2

Reference: (U) ~~(S)~~ [redacted]

Administrative: (U) This communication contains one or more footnotes. To read the footnotes, download and print the document in WordPerfect 6.1.

Details: (U) Referenced electronic communication (EC) from INSD to OGC, dated 09/23/02, requested that OGC review the facts of the captioned matter and determine whether it warrants reporting to the IOB. In our opinion, it does. Our analysis follows.

[redacted] X

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1 (S) [redacted]

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2 (S) [redacted]

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3 (S) [redacted]

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~~SECRET~~

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To: Inspection From: General Counsel
Re: (U) [redacted], 10/07/02 b2

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S)

(U) Section 2.4 of Executive Order (E.O.) 12863, dated 09/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, INSD, and the General Counsel, OGC, respectively) report to the IOB "concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive." This language was adopted verbatim from E.O. 12334, dated 12/04/1981, when the IOB was known as the President's Intelligence Oversight Board (PIOB). By longstanding agreement between the FBI and the IOB (and its predecessor, the PIOB), this language has been interpreted to mandate the reporting of any violation of a provision of the FCIG, or other guidelines or regulations approved by the Attorney General, in accordance with E.O. 12333, dated 12/04/1981, if such provision was designed in full or in part to ensure the protection of the individual rights of a U.S. person. Violations of provisions that are essentially administrative in nature need not be reported to the IOB.

⁴ (U) The FISA is codified at 50 U.S.C. § 1801 et seq. See section II.W.3, FCIG.

⁵ (U) [redacted] EC. b2
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⁶ (U) Id.

~~SECRET~~

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To: Inspection From: General Counsel
Re: (U) [redacted], 10/07/02 b2

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(Emphasis added, classification marking omitted).

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To: Inspection From: General Counsel
Re: (U) [redacted], 10/07/02

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LEAD (s)

Set Lead 1: (Adm)

INSPECTION DIVISION

AT WASHINGTON, DC

(U) For appropriate action to include referral of this matter to the Office of Professional Responsibility, FBIHQ, together with a copy of our opinion.

Set Lead 2:

DIRECTOR'S OFFICE

AT OPR FO, DC

(U) For action deemed appropriate.

1 - Mr. Wainstein
1 - [redacted]
1 - IOB Library

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~~SECRET~~

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October 04, 2002

BY COURIER

*IOB
Matters*

General Brent Scowcroft (USAF Retired)
Chairman
Intelligence Oversight Board
Old 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 2002-[redacted]" (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. 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. Wainstein
- 1 - Mr. D'Amuro
- 1 - [redacted]
- ① - OPR (IOB 2002 [redacted])
- 1 - [redacted]

**UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE**

DATE: 02-16-2006
CLASSIFIED BY 65179/DMH/VC
REASON: 1.4 (C)
DECLASSIFY ON: 02-16-2031

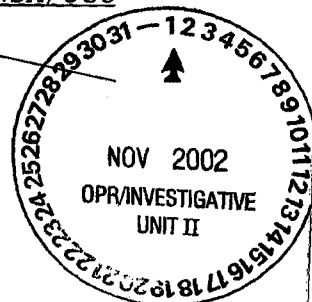
203-170-0-U-74

- 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 _____

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WHERE SHOWN OTHERWISE

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

~~SECRET~~



MAIL ROOM □

FBI/DO

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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)

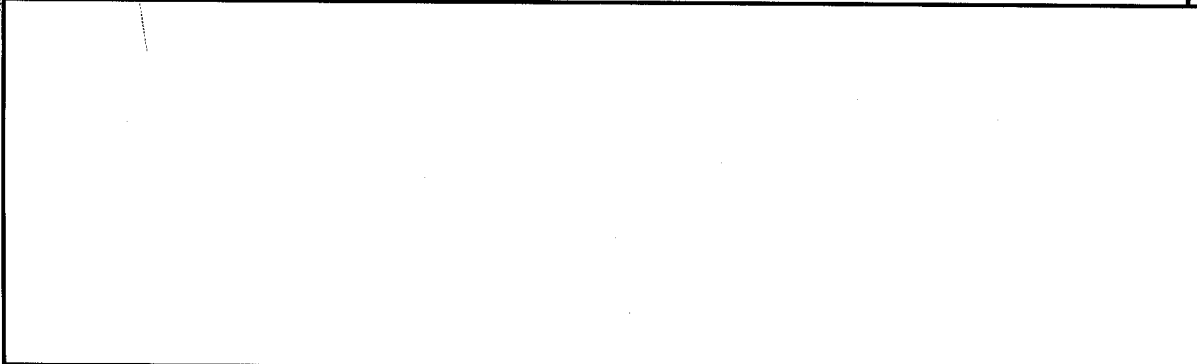
Sincerely,

Kenneth L. Wainstein
General Counsel

Lynne A. Hunt
Assistant Director
Inspection Division

(S)

NOTE:



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

VW
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10/15/02*

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

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

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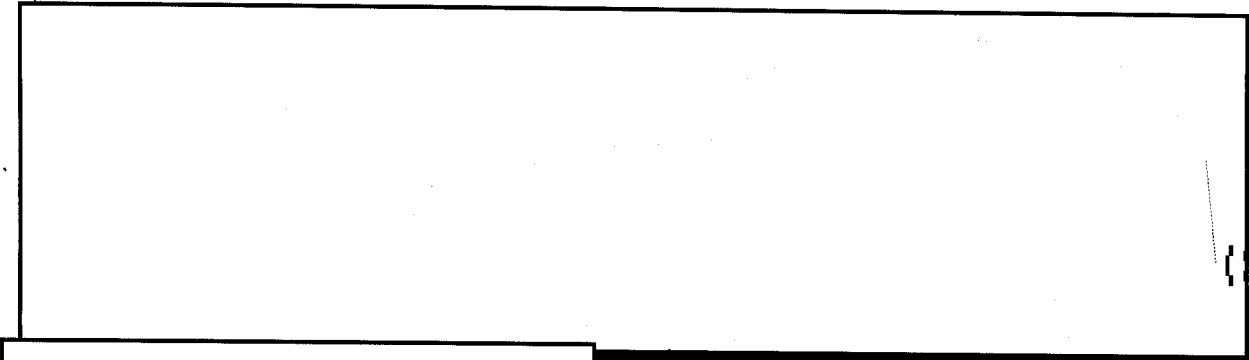
3 (U) See section 11.W.3, FCIG.

DATE: 02-16-2006
CLASSIFIED BY 65179/DMH/VC
REASON: 1.4 (C)
DECLASSIFY ON: 02-16-2031

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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VMS
10/07/01

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

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10/8/02

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 09/23/2002

To: Director's Office
General Counsel

Attn: Robert J. Jordan,
OPR, Rm. 7129
Kenneth L. Wainstein,
National Security Law Unit,
Rm. 7975

From: Inspection
Inspection Management Unit/Room 7837
Contact: [Redacted]

Approved By: [Redacted] WAM
Drafted By: [Redacted] vam

IOB Matters

Case ID #: ~~(S)~~ [Redacted] (pending)

Title: ~~(S)~~ SSA [Redacted]
SA [Redacted]

[Redacted] DIVISION
IOB
2002 [Redacted]

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Synopsis: ~~(S)~~ Request of the Office of the General Counsel (OGC) to review the facts of a possible Intelligence Oversight Board (IOB) violation.

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

Reference: ~~(S)~~ 278-HQ-C1229736-VIO

AS HQ-O-U-74B

[Large Redacted Area]

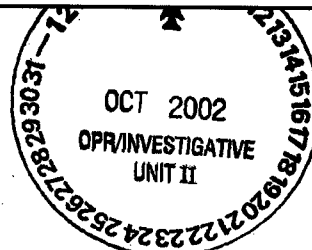
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~~(S)~~

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

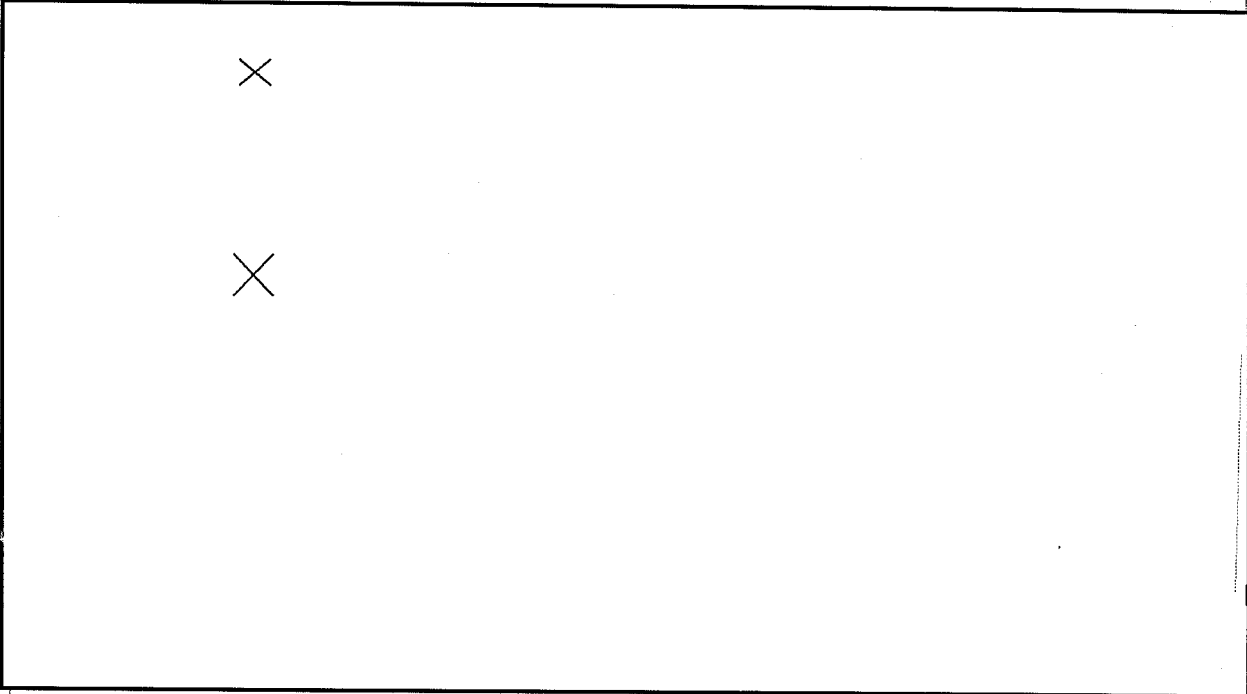
DATE: 02-16-2006
CLASSIFIED BY 65179/DMH/VC
REASON: 1.4 (C D)
DECLASSIFY ON: 02-16-2031



Uploaded 10/1/02

~~SECRET~~

To: Director's Office From: Inspection
Re: ~~(S)~~ [redacted] 09/23/2002 b2



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b7E

(S)

~~SECRET~~

~~SECRET~~

To: Director's Office From: Inspection
Re: ~~(S)~~ [REDACTED] 09/23/2002 b2

LEAD(s):

Set Lead 1: (Adm)

GENERAL COUNSEL

AT WASHINGTON, D.C.

~~(S)~~ Upon review of the attached EC, determine whether the information is a reportable IOB violation. If it is determined, a reportable IOB violation exists, prepare an appropriate letter and LHM from Assistant Director Lynn A. Hunt, INSD and Chief Counsel Kenneth L. Wainstein, OGC, forwarding matter to the IOB.

Set Lead 2: (Adm)

DIRECTOR'S OFFICE

AT WASHINGTON, D.C.

~~(S)~~ Attached EC is provided to OPR pursuant to the NFIP Manual, Part 1, Section 6-7.5. OPR is requested to review information to determine whether disciplinary action is warranted.

◆◆

~~SECRET~~

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 09/02/2002

To: Inspection
General Counsel

Attn: IMU, Rm 7837
National Security Law Unit

From: Counterintelligence

CD-2C, Rm 4066

Contact: SSA [redacted]

Approved By: [redacted]

Drafted By: [redacted]

tmh [signature]

b2

b6

Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO (Pending)

b7c

b7E

Title: (U) SA [redacted]

[redacted] OFFICE

IOB matter

2002

TITLE

Synopsis: (U) Reporting on potential IOB violation.

b1

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

[redacted]

~~(U)~~

[Large redacted area with 'X' marks]

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(S)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

DATE: 02-16-2006
CLASSIFIED BY 65179/DMH/VC
REASON: 1.4 (C D)
DECLASSIFY ON: 02-16-2031

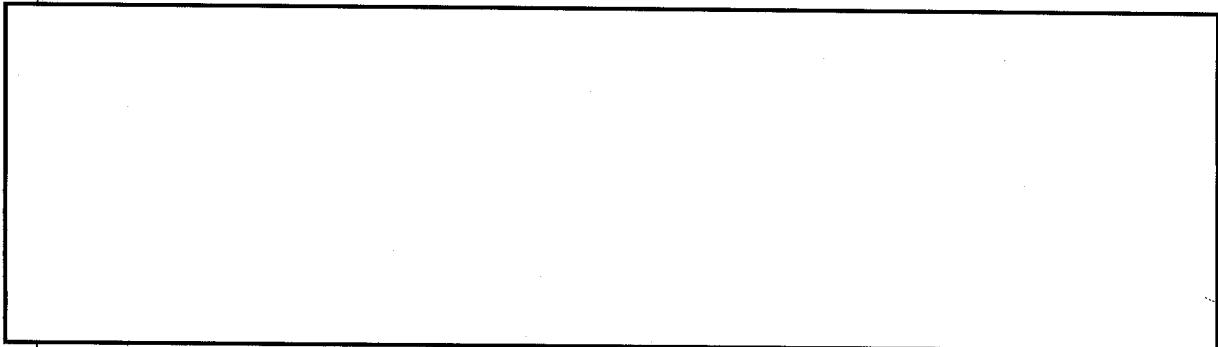
OYA 278HQ NEW/AM 9/17/02

[redacted]

b2

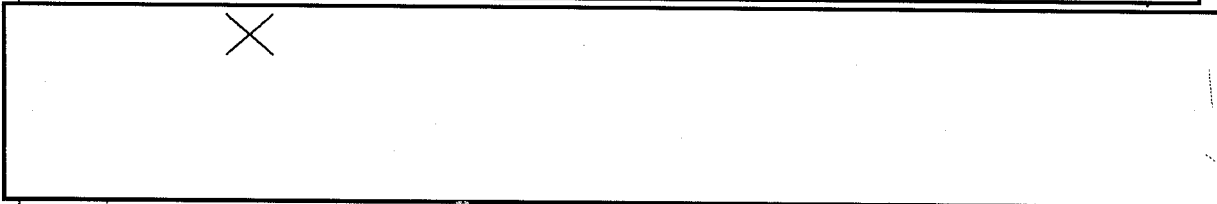
~~SECRET~~

To: Inspection From: Counterintelligence
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 09/02/2002



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~~SECRET~~

(12/31/1995)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 01/23/2003

To: [Redacted]

b2
b7E

Attn: SAC (Personal Attention)

From: Office of Professional Responsibility

Internal Investigative Unit II Room 11861

Contact: [Redacted]

Approved By: [Redacted]

Drafted By: [Redacted]

mag

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b7C

Case ID #: 263-HQ-0-U-74

Title: SSA [Redacted]

SA [Redacted]

INFORMATION CONCERNING

IOB Matters

Synopsis: To inform SAC [Redacted] that the Office of Professional Responsibility (OPR) will not conduct an investigation into this matter.

b2
b7E

Enclosure: Electronic communication (EC), from Office of the General Counsel (OGC) to OPR and Inspection Division, dated 10/07/2002.

Details: Referenced EC refers to OPR, a [Redacted] Intelligence Oversight Board (IOB) violation and OGC's opinion regarding this violation. After a review of OGC's opinion, OPR has determined that this matter does not warrant an OPR inquiry. OPR will not be opening these types of matter unless issues of false statements arise.

b2
b7E

Documents and/or reports prepared during this investigation must not be uploaded into the Automated Case Support (ACS) system, until advised to the contrary by OPR.

263-HQ-0-U-74C

de

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 02-16-2006 BY 65179/DMH/VV

To [redacted] From: Office of Professional Responsibility
Re: 263-HQ-0-U, 01/23/2003

b2

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LEAD (s):

Set Lead 1:

[redacted] DIVISION

b2

AT [redacted]
See Detail section for Lead specifics.

b7E

To: From: Office of Professional Responsibility
Re: 263-HQ-0-U, 01/23/2003

b2

b7E

CC: 1 - Front Office

1 - OPR

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~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 10/04/2002

To: Director's Office
General Counsel

Attn: Robert J. Jordan,
OPR, Rm. 7129
Kenneth L. Wainstein,
National Security Law Unit,
Rm. 7975

IOB Matters

From: Inspection
Inspection Management Unit/Room 7837

Contact: [Redacted]

Approved By: [Redacted]

Drafted By: [Redacted] vam

Case ID #: ~~(S)~~ [Redacted] (Pending) 2

Title: ~~(S)~~ SSA [Redacted]
SA [Redacted] DIVISION
IOB
2002 [Redacted]

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(1)

Synopsis: ~~(S)~~ Request of the Office of the General Counsel (OGC) to review the facts of a possible Intelligence Oversight Board (IOB) violation.

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

Reference: ~~(S)~~ [Redacted]

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[Large Redacted Block]

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(S)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

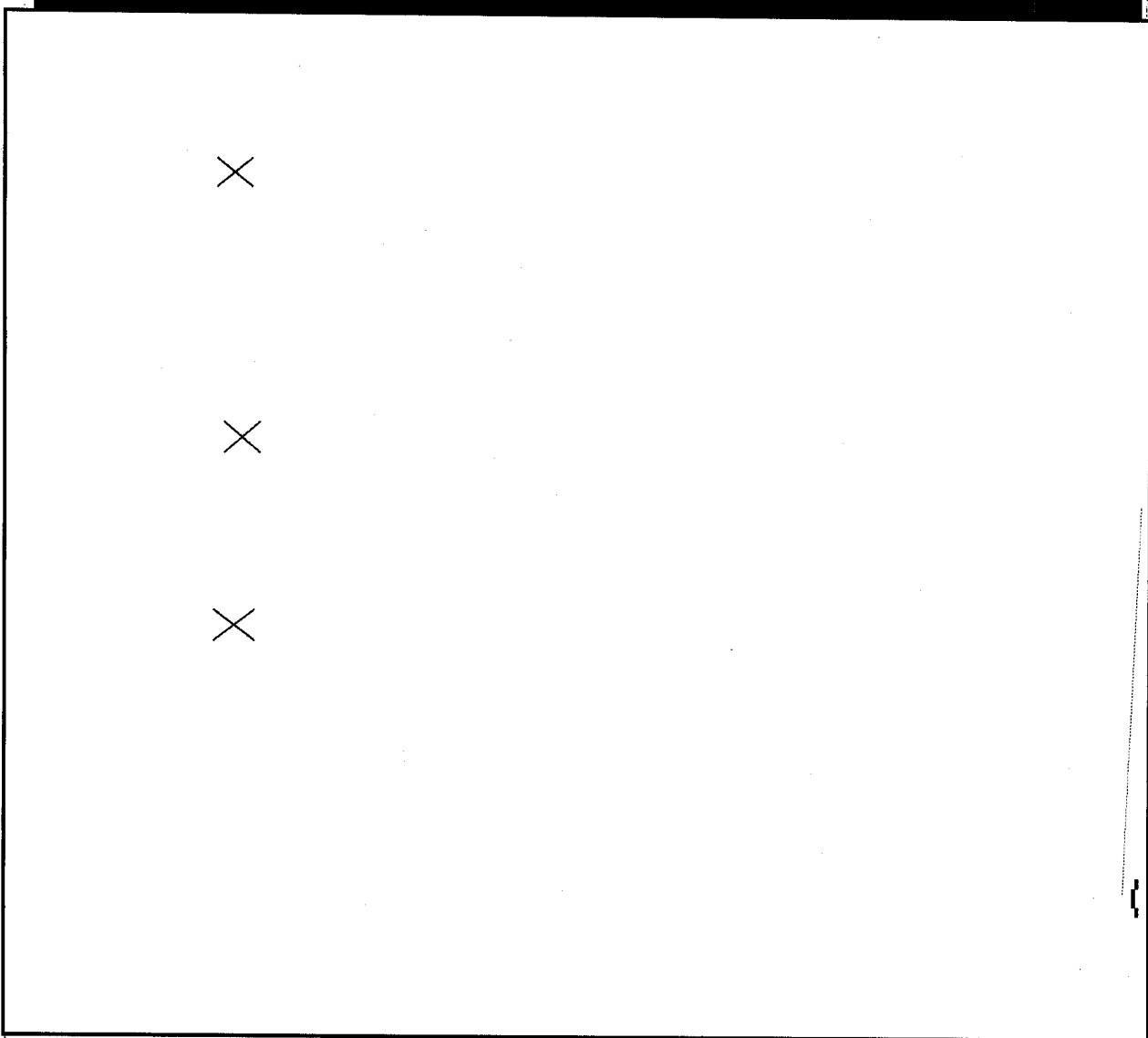
DATE: 03-09-2006
CLASSIFIED BY 65179dmh/vc
REASON: 1.4 (c)
DECLASSIFY ON: 03-09-2031

26349-0-0-75

uploaded 10/7/02

~~SECRET~~

To: Director's Office From: Inspection b2
Re: ~~(S)~~ [redacted] 10/04/2002



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~~SECRET~~

To: Director's Office From: Inspection
Re: ~~(S)~~ [REDACTED] 10/04/2002

b2

LEAD(s):

Set Lead 1: (Adm)

GENERAL COUNSEL

AT WASHINGTON, D.C.

~~(S)~~ Upon review of the attached EC, determine whether the information is a reportable IOB violation. If it is determined, a reportable IOB violation exists, prepare an appropriate letter and LHM from Assistant Director Lynn A. Hunt, INSD and Chief Counsel Kenneth L. Wainstein, OGC, forwarding matter to the IOB.

Set Lead 2: (Adm)

DIRECTOR'S OFFICE

AT WASHINGTON, D.C.

~~(S)~~ Attached EC is provided to OPR pursuant to the NFIP Manual, Part 1, Section 6-7.5. OPR is requested to review information to determine whether disciplinary action is warranted.

◆◆

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 09/12/2002

To: Inspection
General Counsel

Attn: Inspection Management Unit
NSLU, [redacted]

From: Counterintelligence
CD-3B, Room 4094
Contact: SSA [redacted]

b2
b6
b7C

Approved By: Guerin Ronald [redacted]

Drafted By: [redacted]

slc -23

Case ID #: [redacted]

(S)

Title: [redacted]

[redacted]

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OO: [redacted]

(S)

0013 MATTER
2002

Synopsis: (S) Potential Presidential Intelligence Oversight Board (PIOB) violation.

(S)

Derived From: G-3
Declassify On: X1

[redacted]

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Details: (S)

[redacted]

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024 578-HQ-NEW

~~SECRET~~

[redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 03-09-2006
CLASSIFIED BY 65179dmh/vc
REASON: 1.4 (c)
DECLASSIFY ON: 03-09-2031

b2

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To: Inspection From: Counterintelligence
Re: ~~(S)~~ [redacted] 09/12/2002

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[redacted]
X

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[redacted]

(S)

~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 09/09/2002

To: National Security

Attn: CD-3B Room 4094
SSA [redacted]

b2
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From: [redacted]

CI-9
Contact: SA [redacted]

Approved By: [redacted]

Drafted By: [redacted] rtr

Case ID #: (S) [redacted]

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Title: (S) [redacted] (S)
OO: [redacted]

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

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Reference: (S) [redacted] (S)

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Administrative: (U) Reference is made to telcon of SSA
[redacted] CD-3B and SA [redacted] 09/09/2002. b7E

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[redacted]

(S)

rtr25202.2ec

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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DATE: 02-16-2006
CLASSIFIED BY 65179/DMH/VC
REASON: 1.4 (C D)
DECLASSIFY ON: 02-16-2031

b6 CD3B
b7C

9/11/02 ed

[redacted]

~~SECRET~~

To: National Security

Attn: CD-3B, Room 4094

From:

b1

Re: ~~(S)~~ [Redacted]

09/09/2002

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[Redacted]

(S)

X

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[Redacted]

X

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[Redacted]

X

(S)

~~SECRET~~

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~~SECRET~~

To: National Security

Attn: CD-3B, Room 4094 , b1

From: [Redacted]

b2

Re: (S) [Redacted]

09/09/2002

b7E

[Redacted]

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(S)

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[Redacted]

[Redacted] X

[Redacted]

(S)

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~~SECRET~~

To: National Security

Attn: CD-3B, Room 4094

From: [REDACTED] (S)

Re: (X) [REDACTED]

09/09/2002

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LEAD(s):

Set Lead 1:

NATIONAL SECURITY

AT WASHINGTON, DC

(X)

(S)

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~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 10/10/2002

To: Inspection

Attn: Inspection Management Unit
SSA [redacted] b6

Director's Office

Attn: Office of Professional
Responsibility (OPR) b7C

From: General Counsel

National Security Affairs/Room 7974 b2

Contact: Marion E. Bowman, Ext. [redacted]

Approved By: Bowman Marion E

[redacted]

Drafted By:

[redacted] b2

Case ID #:

~~(S)~~ [redacted] b6

Title:

~~(S)~~ SSA [redacted] b7C
SA [redacted] b7E
[redacted] DIVISION

IOB
2002 [redacted]

*IOB
Matters*

~~(S)~~ Synopsis: It is the opinion of the Office of the General Counsel (OGC) that this matter need not be reported to the Intelligence Oversight Board (IOB), but, rather, that a record of this decision should be maintained in the investigation control file for review by the Counsel to the IOB. Our opinion concerning the non-referral of this case to the IOB does not preclude further independent review of this case by the Office of Professional Responsibility (OPR). Our analysis follows.

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

112-11-75A

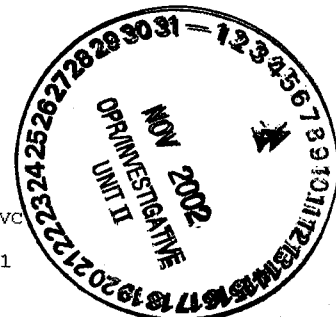
Reference:

~~(S)~~ [redacted] b2

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

DATE: 02-21-2006
CLASSIFIED BY 65179/DMH/VC
REASON: 1.4 (C)
DECLASSIFY ON: 02-21-2031



~~SECRET~~

To: Inspection From: General Counsel
Re: ~~(S)~~ [Redacted] 10/10/2002

b2

Administrative: (U) This communication contains one or more footnotes. To read the footnotes, download and print the document in WordPerfect 6.1.

[Redacted]

(S)

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(U) Section 2.4 of Executive Order (EO) 12863,

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b7E

[Redacted]

(S)

(S)

2 (S)

[Redacted]

(S)

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~~SECRET~~

~~SECRET~~

To: Inspection From: General Counsel
Re: ~~(S)~~ [redacted] 10/10/2002

b2

dated 09/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, INSD, and the General Counsel, OGC, respectively) report to the IOB concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive. This language was adopted verbatim from EO 12334, dated 12/04/1981, when the IOB was known as the President's Intelligence Oversight Board (PIOB). By longstanding agreement between the FBI and the IOB (and its predecessor, the PIOB), this language has been interpreted to mandate the reporting of any violation of a provision of the FCIG, or other guidelines or regulations approved by the Attorney General in accordance with EO 12333, dated 12/04/1981, if such provision was designed in full or in part to ensure the protection of the individual rights of U.S. persons. Violations of provisions that are essentially administrative in nature need not be reported to the IOB. The FBI is required, however, to maintain records of such administrative violations so that the Counsel to the IOB may review them upon request.

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(S)

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(Emphasis supplied.)

~~SECRET~~

~~SECRET~~

To: Inspection From: General Counsel

Re: (S) [redacted] 10/10/2002 b2

Although this provision of the Attorney General Guidelines is primarily administrative in nature, it was designed, in part, to protect the rights of U.S. persons by limiting the length of time that the FBI can conduct a PI without periodic oversight by the proper authorities. Pursuant to the aforementioned agreement between the FBI and IOB, such errors are not are not reported to the IOB if they are both inadvertent and de minimis in time. To determine whether a possible violation of the FCIG is "inadvertent" and "de minimis in time," all the facts relevant to the incident must be considered.

X

[Large redacted area]

LEAD (s):

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Set Lead 1:

b2

INSPECTION DIVISION

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⁴ (U) As previously noted, our opinion concerning the non-referral of this matter to the IOB is not intended to preclude further administrative action by OPR or to infer that such action is warranted.

~~SECRET~~

~~SECRET~~

To: Inspection From: General Counsel
Re: ~~(S)~~ [redacted] 10/10/2002 b2

AT WASHINGTON, DC

(U) For action consistent with this opinion.

Set Lead 2:

DIRECTOR'S OFFICE

AT OPR FO, DC

(U) For action deemed appropriate.

1 - Mr. Wainstein b6
1 - [redacted] b7C
1 - IOB File

~~SECRET~~

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 05/30/2002

To: Inspection

Attn: Inspection Management Unit
SSA [redacted]

b6

Director's Office

Attn: Office of Professional
Responsibility

b7C

From: General Counsel

National Security Affairs/Room 7974

Contact: Marion E. Bowman, Ext [redacted]

IOB Matters

b2

Approved By: Bowman Marion E

[redacted]

Drafted By:

[redacted]

b2

Case ID #:

~~(S)~~ [redacted]

b6

b7C

Title: (U)

SSA [redacted]
IRS [redacted]
[redacted]

b7E

~~IOB~~
2002 [redacted]

Synopsis: ~~(S)~~ It is the opinion of the Office of the General Counsel (OGC) that this matter need not be reported to the Intelligence Oversight Board (IOB), but rather, that a record of this decision should be maintained in the investigation control file for review by the Counsel to the IOB.

~~(S)~~ Classified By: 39645, NSA/OGC
Reason: 1.5(c)
Declassify On: X1

Reference:

~~(S)~~ [redacted]

b2

Administrative: (U) This communication contains one or more footnotes. To read the footnotes, download and print the document in WordPerfect 6.1.

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 02-21-2006
CLASSIFIED BY 65179/DMH/VC
REASON: 1.4 (C)
DECLASSIFY ON: 02-21-2031

26349-0-0-76



~~SECRET~~

To: Inspection From: General Counsel
Re: ~~(S)~~ [redacted], 05/30/02

b2

Details: (U) Referenced electronic communication (EC) from the Inspection Division (INSD) to OGC, dated 05/07/02, requested that OGC review the facts of the captioned matter and determine whether it warrants reporting to the IOB. In our opinion, it does not. Our analysis follows.

[redacted] X

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(S)

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

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(S)

(U) Section 2.4 of Executive Order (E.O.) 12863, dated 09/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, INSD, and the General Counsel, OGC,

1 (S) [redacted]

(S)

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~~SECRET~~

To: Inspection From: General Counsel
Re: ~~(S)~~ [redacted] b2 , 05/30/02

respectively) report to the IOB "concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive." This language was adopted verbatim from E.O. 12334, dated 12/04/1981, when the IOB was known as the President's Intelligence Oversight Board (PIOB). By longstanding agreement between the FBI and the IOB (and its predecessor, the PIOB), this language has been interpreted to mandate the reporting of any violation of a provision of the Attorney General's foreign counterintelligence guidelines or other guidelines or regulations approved by the Attorney General in accordance with E.O. 12333, if such provision was designed in full or in part to ensure the protection of the individual rights of a U.S. person.² Counsel for Intelligence Policy, Office of Intelligence Policy and Review (OIPR), Department of Justice (DOJ), [redacted]

[redacted]

b5

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

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² (U) "Provisions which are essentially administrative in nature . . . need not be reported to the Board. Uncertainty as to the reportability of an incident shall be resolved by reporting it to the Board." Letter from the Director, FBI to the Chairman, President's Intelligence Oversight Board, dated 7/14/82. See also Memorandum dated 6/09/98 from the Chairman, President's Foreign Intelligence Advisory Board, to the Secretary of State, Secretary of Treasury, Secretary of Defense, the Attorney General, Secretary of Energy, and the Director of Central Intelligence, titled "Revised Concept of Operations for the Intelligence Oversight Board"; Memorandum dated 5/05/94 from the Chairman, President's Foreign Intelligence Advisory Board, to the Secretary of State, Secretary of Treasury, Secretary of Defense, the Attorney General, Secretary of Energy, and the Director of Central Intelligence, titled "Concept of Operations for the Intelligence Oversight Board."

³ (U) Letter dated 4/08/83 from Mary C. Lawton, Counsel for Intelligence Policy, OIPR, DOJ to Robert L. Brown, Inspector General, Department of State.

~~SECRET~~

~~SECRET~~

To: Inspection From: General Counsel
Re: (S) [redacted] b2 , 05/30/02

[redacted]

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(U) The appropriate disposition of a case involving a failure to comply with the administrative requirements of the FCIG is a matter within the cognizance of the Office of Professional Responsibility. Accordingly, a copy of our opinion is provided to that Office, as required by the NFIPM, for action deemed appropriate.

(U) A copy of this opinion should be retained in the investigative control file for review by Counsel to the IOB, if desired.

Lead(s)

Set Lead 1: (Adm)

INSPECTION DIVISION

AT WASHINGTON, DC

(U) For appropriate action to include referral of this matter to the Office of Professional Responsibility, FBIHQ.

Set Lead 2: (Adm)

DIRECTOR'S OFFICE

AT OPR FO, DC

(U) For action deemed appropriate.

~~SECRET~~

~~SECRET~~

To: Inspection From: General Counsel
Re: ~~(S)~~ b2 , 05/30/02

- 1 - Mr. Parkinson
 - 1 - IOB Library
- ◆◆

~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 10/04/2002

To: Director's Office
General Counsel

Attn: Robert J. Jordan,
OPR, Rm. 7129
Kenneth L. Wainstein,
National Security Law Unit,
Rm. 7975

From: Inspection
Inspection Management Unit/Room 7837
Contact: [Redacted]

IOB Matters

Approved By: [Redacted]

Drafted By: [Redacted] vam b2

Case ID #: (S) [Redacted] (Pending) 2 b6 b7C

Title: (S) A/SSA [Redacted] b7E
SA [Redacted]
[Redacted] DIVISION

IOB
2002 [Redacted]

Synopsis: (S) Request of the Office of the General Counsel (OGC) to review the facts of a possible Intelligence Oversight Board (IOB) violation.

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(S) ~~Derived From: G-3
Declassify On: X1~~ b7E b7A

Reference: (S) [Redacted]

[Large Redacted Box] (S)

~~SECRET~~

263-49-0-0-177

loaded 10/7/02

~~SECRET~~

To: Director's Office From: Inspection
Re: ~~(S)~~ [redacted] 10/04/2002 b2

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b7C

[redacted] X

[redacted] X

(S)

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b7E

~~SECRET~~

~~SECRET~~

To: Director's Office From: Inspection
Re: ~~(S)~~ [REDACTED] 10/04/2002 b2

LEAD(s) :

Set Lead 1: (Adm)

GENERAL COUNSEL

AT WASHINGTON, D.C.

~~(S)~~ Upon review of the attached EC, determine whether the information is a reportable IOB violation. If it is determined, a reportable IOB violation exists, prepare an appropriate letter and LHM from Assistant Director Lynn A. Hunt, INSD and Chief Counsel Kenneth L. Wainstein, OGC, forwarding matter to the IOB.

Set Lead 2: (Adm)

DIRECTOR'S OFFICE

AT WASHINGTON, D.C.

~~(S)~~ Attached EC is provided to OPR pursuant to the NFIP Manual, Part 1, Section 6-7.5. OPR is requested to review information to determine whether disciplinary action is warranted.

◆◆

~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 09/25/2002

To: ~~Inspection~~

Attn: ~~Inspection Management Unit
Room 7837~~

From: [Redacted]

Squad 14 - Special Agent in Charge (SAC)

Contact: [Redacted]

Approved By: [Redacted] *K/m*

Drafted By: [Redacted] *jls*

Case ID #: (U) [Redacted] (Pending)

Title: (U) SPECIAL AGENT (SA) [Redacted] -
[Redacted] DIVISION;
POSSIBLE IOB MATTER
2002 [Redacted]

Synopsis: (U) This communication reports a possible Intelligence Oversight Board (IOB) matter.

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

Details: (U) SA [Redacted] is assigned to the [Redacted] Division. His work centers on international terrorism (II).

[Redacted]

[Redacted]

9/30/02

ORA 278-FQD

~~SECRET~~

AW

[Redacted]

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HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 02-17-2006
CLASSIFIED BY 65179/DMH/VC
REASON: 1.4 (C)
DECLASSIFY ON: 02-17-2031

b2
b6
b7C
b7E

b2
b6
b7C
b7E
b7E

b1
b2
b6
b7C
b7D
b7E
b7A

(S)