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(Rev. 01-31-2003)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/18/2004

To: General Counsel

Attn: Investigative Law Unit
[Redacted]
Room 7326

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From: [Redacted]

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Legal Unit

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Contact: CDC [Redacted] [Redacted]

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Approved By: [Redacted]

DATE: 09-09-2005
CLASSIFIED BY 65179 DMH/JK
REASON: 1.4 (c)
DECLASSIFY ON: 09-09-2030

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Drafted By: [Redacted]

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05-CV-0845

Case ID #: 66F-HQ-C1364260 ⁻²² (Pending)
66F-HQ-C1384970 ⁻⁸¹³⁵

Title: USA PATRIOT ACT
SUNSET PROVISIONS

Synopsis: Summary of benefits [Redacted] has received
from various provisions of the USA PATRIOT Act.

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Details: The following provides statistics, examples, and
brief narratives summarizing some of the benefits the [Redacted]
[Redacted] has received from various provisions of the USA PATRIOT
Act:

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**Nationwide Search Warrants for E-mail and Associated
Records - Section 220 of the Act. See 18 U.S.C. § 2703.**

This technique has been used frequently for e-mail
records. Without it service would have been much more time
consuming and less successful.

[Redacted] During this investigation, FISA coverage was
conducted for approximately one year. A significant part of the
coverage included several e-mail accounts [Redacted]

[Redacted] Part of the success and ease of
initiating this coverage hinged on this provision. Each of the e-
mail providers were located in a different part of the country.
If this provision were not in place, this coverage, which was
deemed urgent at the time of initiation, would have been
dramatically hindered and crucial intelligence lost or delayed.

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Information Sharing - Section 203(b) & (d) of the Act.

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To: General Counsel From: [redacted]
Re: 66F-HQ-C1364260 03/18/2004

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Generally speaking we are now able to discuss our cases with other agencies much more freely. This has streamlined and greatly facilitated our investigations.

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1990 [redacted] 66215 (Closed) [redacted]

[redacted] (S)
Investigation revealed subject to be a con-
man who was primarily raising money for his own personal benefit. However, investigation also revealed subject was engaged in various criminal activities. Sections 203(b) and 203(d) were utilized in allowing information from the criminal case to be shared with the intelligence investigator. The intelligence investigation produced an enormous amount of intelligence, including information received from several foreign intelligence services. Section 218 and Section 504 were utilized to share the pertinent parts of that intelligence with the criminal investigator, as well as the federal prosecutors. Without all three of these provisions, both the criminal and intelligence investigators would have been conducting simultaneous and parallel investigations, without the ability to have a complete picture of the subject, thereby, resulting in lengthy and duplicative investigative efforts. As a direct result of these enabling provisions of the USA Patriot Act, the subject was ultimately convicted on the criminal charges and, consequently, deported from the United States. However, prior to subject's deportation, subject provided a tremendous amount of valuable information which has been used in approximately a dozen [redacted] investigations alone, plus an additional half dozen cases in other divisions across the United States.

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[redacted] The information sharing portion of the act has impacted the effectiveness of the [redacted] which participated in the referenced case which involved threat mailings. The ability to share information has enriched FBI liaison with State, Local and other Federal agencies, resulting in better relationships.

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When events broke in this case requiring JTTF response, the ability to organize an action plan among the agencies was greatly enhanced. A level of trust resonated among investigators which resulted in a style of teamwork imperative in the first few days after the threat mailings. The ability to share information relieved the case agent from being overwhelmed, and allowed for a much more effective investigation.

[redacted] This is an investigation of an increasingly [redacted] organization, with its leaders in the United States advocating and preparing for violence. In recent years, radicals have infiltrated the group's leadership in the US with several key members advocating violence. [redacted]

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To: General Counsel From: [redacted]
Re: 66F-HQ-C1364260 03/18/2004

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[redacted] this threat would be difficult to combat given the respect and legal protections the group enjoys in the US and overseas.

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Information sharing with [redacted]

[redacted] and [redacted] is essential to identifying the subjects' associates, travel, and activities in support of this organization.

[redacted] In this case, we opened a parallel investigation on the criminal side. Subpoenas were used for financial information and NSLs for toll records. Previously, we would have had difficulty sharing the NSL results with the criminal side. When we obtained pertinent information from the criminal side, we had to send an NSL for the same information in order to use it for the intelligence side, duplicating voluminous work on the part of the Bureau and the service provider. Also, the criminal case agent would not have been apprized of significant developments on the intelligence side of the case. Recently,

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[redacted] The criminal case agent would not have been in a position to assist us if he had not been fully briefed in on the case. Due to the criminal agent's work, a valuable source was successfully recruited.

Due to the complexities inherent in this [redacted] terrorism investigation, this case has been a joint effort between the following agencies: FBI [redacted]

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[redacted] These cases involve [redacted]

[redacted] The purpose of the investigation is to determine if these businesses and/or their owners/employees are forwarding funds overseas in support of terrorist activities.

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The Information Sharing sections of the USA Patriot Act have been critical in that the investigation is being conducted [redacted]

[redacted] Information sharing between the FBI and these agencies has been instrumental in identifying subjects, conducting surveillance and obtaining various records. Due to these Patriot Act provisions, intelligence information can be shared which greatly affects the utilization of resources and the focus of the case.

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To: General Counsel From: [redacted]
Re: 66F-HQ-C1364268 03/18/2004

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[redacted] This investigation was initiated based on information sharing between intelligence agencies, [redacted] and FBI. This aspect of intelligence sharing between agencies in the intelligence community has been a tremendous asset in this investigation, particularly with [redacted]

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At the outset of this investigation, a parallel criminal investigation was initiated, which at the time was still under the mandate of the previous guidelines which forbid information sharing between intelligence and criminal investigations of the same subject. This was an excellent opportunity to witness the difference between the guidelines when a "wall" existed and the new guidelines where the "wall" was removed between criminal and intelligence investigations. Under the criminal investigation, subpoenas were issued for toll records and financial information. Since this was during the "wall" period, the criminal agent and the intelligence agent could not and would not be in the same room while there was information received as a result of the subpoenas. Likewise, when intelligence information was received from a linked FISA investigation, the criminal agent would remain completely unaware of the new intelligence which could aid in the direction of the criminal investigation. The AUSA assigned to the investigation was particularly uncomfortable with the investigation for fear of violating the guidelines of influencing the intelligence investigation. This placed the AUSA in a precarious position: needing to know all the information from both aspects of the investigation and yet not wanting to mistakenly report information from the criminal agent to the intelligence agent and vice versa. The "wall" procedures hindered the investigation of terrorism cases tremendously.

After the "wall" was removed, the difference in the investigation was obvious and significant. Meetings between the USA, AUSA, intelligence agents, criminal agents were regular and productive. This allowed a team aspect to investigations between the USA's office and the agents in the field.

Practical aspects of information sharing involved less repetitive effort duplicating information. An example of this would be information from subpoenas and National Security Letters

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To: General Counsel From: [redacted]
Re: 66F-HQ-C1364260 03/18/2004

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(NSL). Before, the criminal investigation could not have any information gathered as a result of a NSL and likewise with intelligence investigations having information gathered from a subpoena. This required two documents to be issued per one piece of information.

Since the implementation of the new provisions, information from this investigation has been shared with several other FBI field offices which has resulted in an expanded picture of potential terrorist activities within the United States. This provision is crucial to the ongoing effort against terrorist threats to the United States.

New Standard for FISA Pen/Trap - Section 214 of the Act.

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[redacted] The old standard of "specific and articulable facts" that the line was used by an agent of a foreign power was changed to a relevance to terrorism standard. [redacted]

[redacted]

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To: General Counsel From: [redacted]
Re: 66F-HQ-C136426 03/18/2004

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**Changes to "Primary Purpose" Standard for FISA -
Section 218. Section 504 amended FISA to allow personnel
involved in a FISA to consult with law enforcement officials.**

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281F [redacted] 66686: Information was shared from the case agent in the above referenced 1990 [redacted] 66215 investigation under Section 218 and Section 504 with the criminal investigator and federal prosecutors to convict one of the subjects of this investigation. Having the criminal side fully apprized of all of the intelligence was of great benefit as this helped in the coordination of surveillance and the interviews of certain individuals connected to this investigation. After completing his sentence in federal prison, this particular subject of this criminal investigation will also be deported from the United States. All of this was facilitated by the sharing provisions under the USA Patriot Act.

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[redacted] Section 218 has enabled the intelligence received from a foreign intelligence/security agency regarding subject to be shared with federal prosecutors both in two Divisions. This is an ongoing investigation.

[redacted] This intelligence investigation was opened based solely on information provided by the subject of above referenced closed 1990 [redacted] 66215 investigation. This information alleged the

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[redacted] Through the coordinated efforts of various divisions and resident agencies, information was received from several foreign intelligence services regarding subject. This intelligence included information about [redacted]

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As a direct result of being able to share this intelligence under Section 218 and Section 504 of the USA Patriot Act with other agencies involved with this investigation, [redacted]

[redacted] Without these referenced provisions of the USA Patriot Act, this coordinated investigative effort between a multitude of various federal, state, local, and international law enforcement

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To: General Counsel From: [redacted]
Re: 66F-HQ-C136426 03/18/2004

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agencies would have been much more difficult with possibly a much different result.

[redacted] The changing of the FISA standard from a "primary purpose" to "a significant purpose" has had a dramatic impact on terrorism cases and this particular investigation would not have been possible without this change. This investigation centered on [redacted]

[redacted] The FISA coverage of the subject was initiated after intelligence indicated that [redacted]

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[redacted] This information would fall primarily in the criminal aspect of a terrorist attack and negate the "primary purpose" standard for FISA coverage since the purpose was not to gather intelligence but to use the criminal justice system to stop a terrorist attack. As a result of the changing standard, FISA coverage was initiated and further information was gathered to accurately assess the threat.

New Standard for Business Records under FISA - Section 215.

[redacted] We have obtained [redacted] NSLs for records from a [redacted]

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To: General Counsel From:
Re: 66F-HQ-C13642 03/18/2004

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LEAD(s):

Set Lead 1: (Info)

GENERAL COUNSEL

AT WASHINGTON, DC

Read and clear.

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