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WHERE SHOWN OTHERWISE

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

DATE: 10-13-2005
CLASSIFIED BY 65179DMH/lr2 Ca#05-CV-0845
REASON: 1.4 (C)
DECLASSIFY ON: 10-13-2030

Dear General Scowcroft:

This letter forwards for your information a self-explanatory enclosure entitled, "Intelligence Oversight Board (IOB) Matter, IOB 2004-81." (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 - Mr. Curran
- 1 -
- 1 - IOB Library
- 1 - 278-HQ-C1229736-VIO

b6
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~~Derived from: G-3~~
~~Declassify on: X25-1~~

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-2-

Case ID : 278-HQ-C1229736-VIO

Serial : 594

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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.

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
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CLASSIFIED ENCLOSURE

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

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INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
IOB 2004-81 (U)

~~(S)~~ ~~TOP SECRET~~ FBI received authorization from the Foreign Intelligence

~~SECRET~~

Surveillance Court (FISC) on August 5, 2004, to use a pen register and trap and trace device to collect [redacted]

[redacted] electronic communications originating from or received at [redacted] that were used by a U.S. person who is the subject of an ongoing counterintelligence investigation. [redacted]

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[redacted]

(S)

The order specified that the following information was to be collected: [redacted] the source/destination, dates and times of such communications and the "To:," "From:," "cc:," and "Received:" headers for those communications but not the content of such communications as defined by 18 U.S.C. 2510 (8)." (Emphasis added)

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On August 30, 2004, [redacted] provided the initial response to the order in the form of two original compact disks (CDs) marked [redacted]

August 30 2004 12:58 CDT. The Case Agent reviewed the material on August 31, 2004. On inspecting the CDs, the Case Agent realized that [redacted]

(S)

The FBI promptly [redacted] of the error and asked that henceforth only the information specified in the order be provided. The original CDs were sent by the Office of the General Counsel to the Office of Intelligence Policy and Review for appropriate disposition. No copies of the contents of the [redacted] were retained by the FBI.

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The interception of electronic communications in this case resulted from an error on the part of the internet service provider; 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 that is deemed appropriate.

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

Precedence: ROUTINE

Date: 12/10/2003

To: Counterterrorism

Attn: ITOS 1/CONUS 1/Team 2

General Counsel

SSA [redacted]

Attn: NSLB/CTLU II

[redacted]

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[redacted]

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Attn: [redacted]

SSA [redacted]

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From: [redacted]

CT-1

Contact: SA [redacted]

Approved By: Kaiser Kenneth W

[redacted]

DATE: 10-13-2005
CLASSIFIED BY 65179DMH/lr2 Ca# 05-CV-0845
REASON: 1.4 (C)
DECLASSIFY ON: 10-13-2030

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Drafted By: [redacted] gth

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

Title: (U) PRESIDENTIAL INTELLIGENCE OVERSIGHT BOARD (IOB)

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

(S)

[redacted]

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

Reference: (U) 66F-HQ-A1247863 Serial 130

U
Details: ~~(S)~~ Consistent with the guidelines set forth in the referenced communication, [redacted] Division reports that [redacted] inadvertently recorded pen/toll information from a subject's home telephone line after the subject changed numbers. The pen register/trap and trace device [redacted] was disabled [redacted]

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~~(S)~~ The pen/toll information was recorded through a United States Foreign Intelligence Surveillance Court (USFISC) authorized installation of a pen register/trap and trace device [redacted]

~~(S)~~ Controlling legal authority for the relevant investigation is as follows:

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[Redacted]

(OSPER)

IT-UBL/AL-QAEDA
315N- [Redacted] -89623

[Redacted]

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[Redacted]

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~~(U)~~

[Redacted]

serviced by

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[Redacted]

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(S)

LEAD ~~(S)~~:

Set Lead 1: (Info)

COUNTERTERRORISM

AT WASHINGTON, D.C.

(U) Read and clear.

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Set Lead 2: (Action)

GENERAL COUNSEL

AT NSLB

1. (U) NSLB is requested to coordinate with ITOS 1/CONUS 1/Team 2 and DOJ/OIPR to ensure required reporting mandates are met.

2. (U)

[Redacted]

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Precedence: ROUTINE b2
b7E

Date: 03/18/2005

To: [Redacted] Attn: SAC
CDC

Counterterrorism Attn: AD

Inspection Attn: Internal Investigation
Section (IIS)

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From: General Counsel
National Security Law Branch/LX Crossing, Room 5S200
Contact: [Redacted]

b2

Approved By: Thomas Julie F
[Redacted]

DATE: 10-13-2005
CLASSIFIED BY 65179DMH/lr2 Ca#-05-cv-0845
REASON: 1.4 (C)
DECLASSIFY ON: 10-13-2030

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Drafted By: [Redacted]

Case ID #: ~~60~~ 278-HQ-C1229736-V10 (Pending)

Title: ~~CS~~ SA [Redacted]
SA [Redacted]
INTELLIGENCE OVERSIGHT BOARD
(IOB) MATTER 2004-71

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Handl + cover in ACS.
y *(C)* *5/12*
JW

Synopsis: ~~A~~ It is the opinion of the Office of the 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 and deliver the necessary correspondence to the IOB. Our analysis follows.

~~4~~ Derived from: ~~C-3~~
Declassify on: X25-1

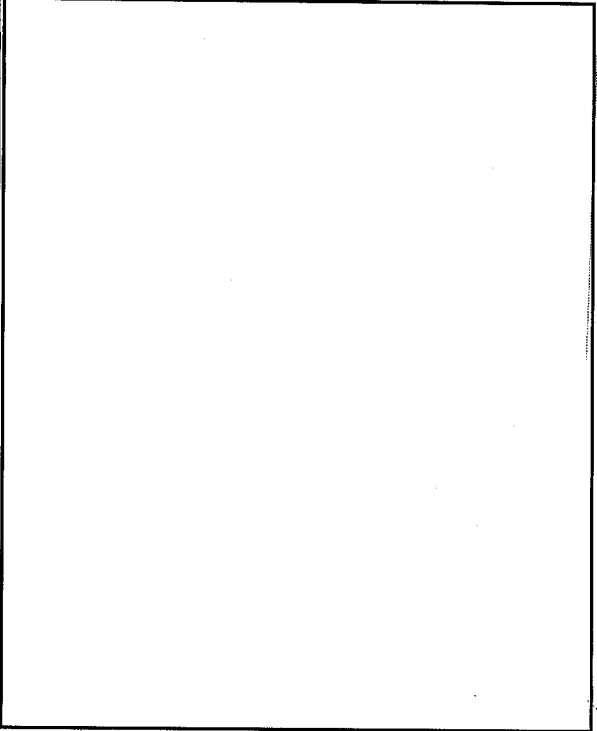
Case ID : 278-HQ-C1229736-V10

Serial : 797

~~SECRET~~

Reference: ~~S~~ 278-HQ-C1229736-V10 Serial 546
278-HQ-C1229736-V10 Serial 298

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



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[Redacted]

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Also on that same day, OGC, as well as International Terrorism Operations Section 1 (ITOS 1), were notified of the error, both orally and by EC dated 12/10/2003.

[Redacted]

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(U) Measures have been taken by [Redacted] to prevent a recurrence of this error. The TTA who made the above-described error has been counseled to not delete any email messages without reading it. Further, the case agent and all technical personnel have been instructed to communicate by personal contact all pertinent information regarding technical coverage to the appropriate TTA or technical supervisor. It has been made clear that it is the responsibility of each agent/investigator to verify by contact with the technical squad and a query in ACS that [Redacted]

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(U) Section 2-56 of the National Foreign Intelligence Program Manual (NFIPM) requires OGC to determine whether the facts related above are required to be reported to the IOB.

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Section 2.4 of Executive Order (EO) 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."

4) Appl
concludes that

(S)

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The case agent intended that this would happen. However, it did not. Consequently, in accordance with E.O. 12863 and Section 2-56 of the NFIPM, the inadvertent error must be reported to the IOB, which this Office will do.

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LEAD (s):

Set Lead 1: (INFO)

b2

[Redacted]

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AT

[Redacted]

(U) Read and clear.

Set Lead 2: (Action)

INSPECTION

AT INTERNAL INVESTIGATION SECTION, DC

(U) For action deemed appropriate.

Set Lead 3: (Action)

COUNTERTERRORISM

AT WASHINGTON, D.C.

(U) For action deemed appropriate

1 - Ms. Thomas

b6

1 - [Redacted]

b7C

1 - IOB File

FOOTNOTES



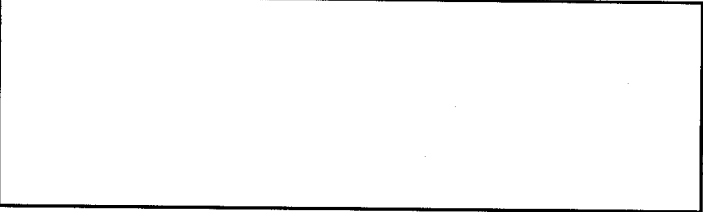
~~SECRET~~

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Y1: ~~(S)~~ ~~(U)~~ United States person is defined in Section 101(i)
of the Foreign Intelligence Surveillance Act (FISA)(codified at 50 U.S.C.
1801 et
seq.) as a citizen of the United States (or an alien lawfully admitted
for
permanent residence (as defined in section 101(a)(20) of the Immigration
and
Naturalization Act) See also Section 1.C of The Attorney General's
Guidelines for FBI National Security Investigations and Foreign Intelligence
Collection (NSIG).

Y2: ~~(S)~~ The case agent does not remember the date in December on
which the



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BY COURIER

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

DATE: ~~10-13-2005~~
CLASSIFIED BY 65179DMH/lr2 Ca#-05-CV-0845
REASON: 1.4 (C)
DECLASSIFY ON: 10-13-2030

Dear Mr. Langdon:

Enclosed for your information is a self-explanatory
memorandum, entitled "Intelligence Oversight Board (IOB) Matter,
[redacted] Field Office, IOB Matter 2004-71. (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)

DATE: ~~Enclosure~~
CLASSIFIED BY 65179/DHM/LP/DK
REASON: 1.4 ((C) 05-CV-0845)
DECLASSIFY ON: 12-03-2030

- 1 - Ms. Thomas
- 1 - [redacted] b6
- 1 - 278-HQ-C1229736-VIO
- 1 - OPR (IOB 2004-71) b7C
- 1 - [redacted]

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CLASSIFIED ENCLOSURE

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

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Mr. James Langdon

Case ID : 278-HQ-C1229736-VIO

Serial : 798

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~~SECRET~~

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Page 2

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

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED] FIELD OFFICE
IOB MATTER 2004-71 (U)

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Page

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(S)

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

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